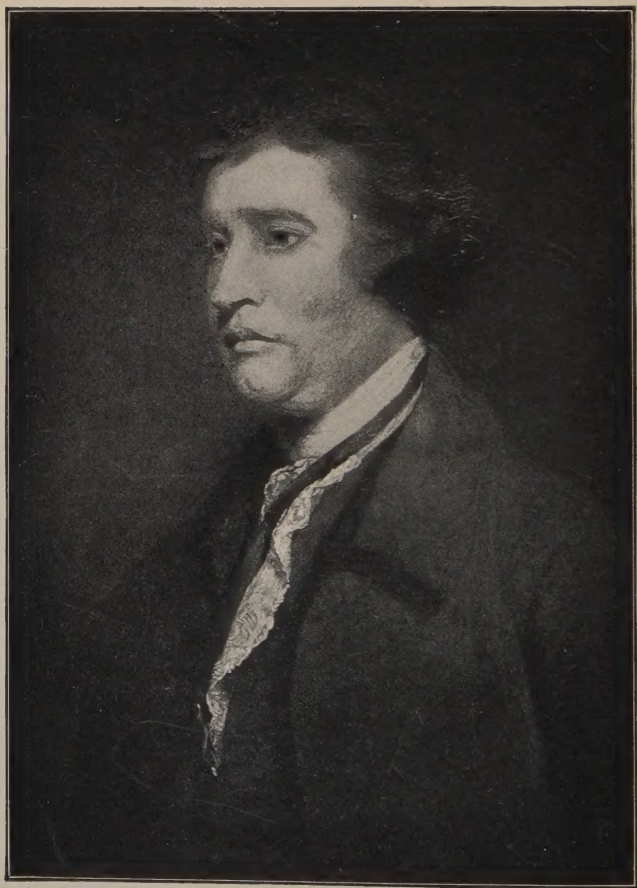




Edm Burke.

The Riverside Literature Series

CONCILIATION WITH THE COLONIES

THE SPEECH BY EDMUND BURKE

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PREFACE

IN preparing this edition of Burke's *Speech on Conciliation with America*, the editors have had two chief purposes: to provide in accessible, consecutive form sufficient knowledge to enable the student to understand the historical situation, in both England and America, prior to March 22, 1775; and to supplement the speech with an Analysis which shall afford a more accurate interpretation of the structure of the argument than could be given in a mere outline. Because of its relatively slight importance in relation to the speech, the life of Burke has been treated much less fully than the history of the times. It is expected that this history will be carefully studied before the speech is read, and for that reason much of the historical material which might be presented in the Notes has been incorporated in the Introduction, with cross-reference at the proper places. The Analysis, which is intentionally made full at some points, and meager at others, is designed to help the student to grasp the more difficult arguments and connections, and at the same time, since a digest should not be used as a substitute for a close reading of the text, to allow him an opportunity to construct his own brief for those parts of the text which are sufficiently clear.

Acknowledgment of indebtedness for some suggestions as to sources of material is due the edition of the speech published by Ginn and Company and the preceding edition of Houghton Mifflin Company. The works of George Louis Beer were found very helpful in the preparation of the Introduction. The brief biography of Burke is based on the "Life" in the *Dictionary of National Biography*.

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EDMUND BURKE

BIOGRAPHICAL SKETCH

EDMUND BURKE was born in 1729. He was the son of an attorney of Dublin. His mother was a Roman Catholic, but he was brought up in the Protestant faith of his father. He was sent to a Quaker school, and at the age of fourteen entered Trinity College, Dublin, where he studied a variety of subjects with diligence and enthusiasm, though in a somewhat desultory fashion. Of the Latin authors with whom he made himself familiar, he gave especial attention to Cicero. He graduated in 1748, and in 1750 was sent by his father to London to study law. Little is known of his early life in England. After a few years, he abandoned his legal studies, which had never interested him, and devoted himself to literature and politics.

When he was twenty-eight, he married the daughter of his physician, Dr. Nugent. His wife had been a Catholic, but at her marriage accepted her husband's religion. At this time Burke's health was poor and his income was very small. For his services as editor of the *Annual Register*, he received only £100 a year. He became the private secretary of William Gerard Hamilton, through whose influence he received a pension, but when he quarreled with Hamilton, soon after, he refused to accept it.

When Rockingham became Prime Minister in 1765, he made Burke his private secretary. From this time Burke exercised great influence in the councils of the Whig Party. He was provided with a seat in the House of Commons, as a representative of the Borough of Wendover, and on January 27, 1766, made his first speech in that body, on the question of receiving a petition from the colonies against the Stamp Act. He at once took his place as a speaker of the first rank. Physically he was large and powerful, with

a commanding voice. Although he spoke with an Irish accent, and his gestures were awkward, he was soon recognized as one of the greatest orators who ever addressed the House.

During the Grafton Ministry, he was the life of the opposition to the action of the Government against Wilkes. In his *Thoughts on the Present Discontents*, he attributed the popular unrest to the policy of the Administration. He objected to the secret sessions of Parliament, and urged the necessity of party loyalty as a check upon the influence of the court. His spirit of loyalty to his party caused him, in 1772, to refuse an offer of the directors of the East India Company to send him to India at the head of a commission to reform the administration of the company.

In 1773, he visited Paris, where he met several of the leaders of French thought who were already busily engaged in arousing that discontent with the old régime which developed into the French Revolution. On this visit, he saw Marie Antoinette, whose sad fate in later years called forth his profoundest sympathy.

In 1774, Burke became representative for Bristol. In that year his party secured a strong recruit in the person of Charles James Fox, who definitely joined the opposition to Lord North. Fox at once became a firm friend and ally of Burke, and joined with him in opposing the Penal Acts of 1774. During the consideration by Parliament of American affairs in the spring of that year, Burke delivered his great *Speech on American Taxation*.

The interests of the colonies now engrossed his attention. Since 1771, he had been the agent of the Colony of New York, and no man in England better understood the attitude of the Americans. He devoted himself with untiring zeal to the task of convincing Parliament that its colonial policy would end in disaster. In this effort, he delivered his *Speech on Conciliation*, on March 22, 1775. In 1777, he defended his attitude on American questions in his *Letter to the Sheriffs of Bristol*.

Burke had no sympathy with those who sought to lessen the influence of the Crown by changing the system of repre-

sentation, for he feared that such a change would destroy the equipoise of the constitution. He believed that the administration could better be reformed by abolishing the sinecures and pensions, through which the Crown exercised its influence over the members of Parliament. For this purpose, he introduced a bill for economical reform, which, however, was defeated by Lord North.

No member of Parliament was more devoted to the welfare of Ireland than was Burke. His well-known sympathy for the Irish Catholics, and his efforts to secure larger privileges for the trade of Ireland, gave rise to a report that he was secretly a Jesuit. This suspicion was encouraged by his enemies and caused him considerable embarrassment. Because of his views on these questions, Burke lost his seat at Bristol in 1780, but Rockingham had him returned for Malton.

When the Rockingham Ministry came into power upon the fall of Lord North in 1782, Burke became Paymaster of the Forces, but was not given a place in the Cabinet. The unwillingness of the Whigs to admit Burke to high office was due in part to his lack of social position, and in part to his irascible temper. While in office he succeeded in carrying through Parliament some of his proposals for economical reform. In the regulation of his own office he made important changes which saved large sums to the nation. He actively supported the removal of the restrictions on the Irish Parliament which prevented that body from having legislative independence.

When Rockingham died, on the 1st of July, 1782, Burke and Fox, being averse to serving under Shelburne, retired from office. When that minister was overthrown in 1783 by a coalition of the followers of Fox and North which came into power, Burke again took his old office of Paymaster. He had long been interested in the affairs of India. He drafted the East India Bill, which provided for the better government of India, and delivered a strong speech in its support. Though this bill passed the House of Commons, it was defeated in the House of Lords through the personal efforts of the King. The ministry was short-lived,

and Burke was soon again in opposition. At this period, his influence in the House of Commons was at its lowest ebb. His inconsistency in taking office under Lord North, whom for so many years he had bitterly attacked, was resented. He was often rudely interrupted by the withdrawal of members while he was speaking. On one occasion he was even censured by the House for the use of violent language.

With Fox and Sheridan, he attacked Warren Hastings, the Governor-General of India, and had the satisfaction of securing his impeachment by the House of Commons. The famous trial, which began on the 13th of February, 1788, was continued at intervals for seven years. It called forth Burke's greatest efforts. In his reply to the defense, he spoke for nine days, with such eloquence that he received the thanks of the House. His efforts were, however, useless, for Hastings was acquitted.

Meanwhile, the outbreak of the French Revolution in 1789 filled Burke with alarm. Fox, on the other hand, declared the taking of the Bastille to be the greatest and best event in the history of the world. On November 1, 1790, Burke published his *Reflections on the Revolution*. The effect of the publication was extraordinary. It checked the sympathy in England for the Revolution and created a strong sentiment of hostility against the French. It divided the Whigs by bringing about a rupture between Fox and Burke, and strengthened the power of Pitt. Soon after Burke broke with his party, he published his *Appeal from the New to the Old Whigs*. Both at home and abroad his influence was at its highest point. He was consulted by the French royalists and devoted himself to their cause. He urged upon Pitt the necessity of making war upon the new French Republic. With the outbreak of hostilities his popularity increased. He retired from Parliament in 1794, and busied himself on his estate at Beaconsfield and in the establishment of a school for the children of the French refugees. He had a severe illness in July, 1796, from which he never recovered. He died Sunday morning, July 9, 1797, and was buried in the parish church at Beaconsfield.

HISTORICAL SKETCH

AN understanding of the causes which led to the estrangement of the colonies from the mother country and to the civil strife which Burke in his memorable speech strove so earnestly to avert, can be found only in the study of the political and commercial conditions of the empire in the first years of the reign of George III. When George II died in 1760, and his grandson, George III, came to the throne, England was in the midst of a mighty struggle with her ancient rival, France. Through the genius of Pitt, she had already triumphed in India and America, and in Europe had aided Frederick the Great of Prussia to resist the coalition of his enemies. The baneful influence of the young king fell like a blight upon the empire. He was badly educated, narrow-minded, and obstinate, and was altogether unable to take large views of public affairs and of the interests of the empire. He came to the throne at the age of twenty-two, fully determined to destroy the influence of the great Whig families whose power had overshadowed the Crown during the two previous reigns. He planned to restore the influence of the Crown and to overthrow the Whigs by the use of their own weapons. He made no effort to follow the example of Charles I by attempting to govern without a Parliament, but proposed to rule the kingdom by controlling Parliament. This he would do by using the same methods which had so long kept the Whigs in office.

Character of
George III

At no period has English public life been so corrupt as in the middle of the eighteenth century. Walpole and Newcastle had in succession developed a system of bribery and corrupt influences which, with the rotten borough system, gave them almost complete control of Parliament. George was personally honest, and in private life was conspicuous

for his morality and simple tastes, but in public life he had no scruples against corrupting others. The condition of political parties at the time of his accession favored his designs. The old Tory Party of the time of Queen Anne had been so discredited by the attempt of Bolingbroke to bring in the Old Pretender at the death of the queen in 1714 that the Whigs came into power and continued in control until the death of George II. During the long period of their ascendancy, the Whigs had divided into groups under the leadership of powerful families. The Duke of Newcastle, the head of the Pelham family, had controlled the political machine since the fall of Walpole in 1742. The Duke of Bedford, the Duke of Rockingham, the Duke of Grafton, and the Earl of Temple had each a following of his own in Parliament. Besides these, there were a few Tories and a small group called the "King's Friends," who were always ready to support or to oppose any motion or any minister upon a hint of the wishes of the king. It was the plan of George to play off one faction against another in order to secure a ministry and a House of Commons which he could control. Unfortunately, in the course of his effort to restore the influence of the Crown, the interests of the colonies became involved, and so badly were matters managed that the empire, so recently victorious, was plunged into a needless and disastrous war.

Prior to the time of George III, England's colonial policy had been markedly successful. For the most part the colonies had been left to themselves in the management of their political affairs. Some friction, indeed, arose from time to time over such questions as the royal veto of laws passed by colonial assemblies, and the tenure of office of the colonial judges. In most of the colonies, the governors and judges were appointed and removed by the king, but the colonies were able to maintain considerable control over those officials through the practice of voting their salaries in the colonial assemblies. In spite of friction, however, the Americans were loyal to the mother country and were devoted to their connection with

her. The English Government had sought no revenue from the colonists and had been satisfied with the commercial advantages arising from their trade.

Before George III came to the throne, the one purpose of England's colonial policy had been to create a self-sufficing commercial empire for the mutual benefit of the mother country and the colonies. It was the aim of Parliament to make this empire economically independent of the rest of the world. In this system the colonies were regarded as valuable, not as homes for the surplus population of England, nor as sources of revenue for the royal treasury; but either as sources of supply of commodities not produced by England, or as markets for English manufactures. The protection of this colonial trade made necessary the maintenance of a large navy, and the training of thousands of sailors to man the vessels of the royal fleets. As this training could best be secured in the merchant marine, or in the vessels engaged in the fisheries of the North Atlantic, the encouragement of both enterprises became an essential part of England's colonial policy.

In the first year of the reign of Charles II, this policy began with the passage of the Navigation Act of 1660, which provided that no goods should be im-ported into or exported out of the colonies except in English or colonial vessels whereof the master and three fourths of the crew were English subjects. In order to secure the full advantage arising from the colonies as sources of supply of commodities needed by England, the same law further provided that certain colonial goods could be shipped only to England or to some port under the English flag. The list of such commodities was increased from time to time, until in 1763 it included sugar, tobacco, cotton wool, indigo, ginger, dyeing woods, rice, molasses, naval stores, copper, and furs. Of these goods, tobacco, rice, and naval stores were the only ones produced largely in the continental colonies. Tobacco, however, constituted more than one half of their total exports. As a compensation to the American tobacco-planters for the restriction upon their

trade, their product was given a monopoly of the English market, for the growth of tobacco was forbidden in England and Ireland, and no foreign tobacco could be imported. Although the import duty was repaid if the tobacco was re-exported within eighteen months, the cost of warehousing and other expenses in England added about twenty-five per cent to the price at which it could otherwise have been sold in Europe.

Upon the request of the rice-growers of South Carolina, England in 1730 modified the restriction on the trade so far as to allow rice to be shipped directly to European ports south of Cape Finisterre, upon the payment of an export tax collected in the place of shipment — a curious instance of the imposition of a tax by Parliament with the full consent of a colony. In 1763 this export duty amounted to £2400.

Besides rice and tobacco, the only other enumerated commodity produced largely in the continental colonies was naval stores. The burden imposed by the restriction on this trade was lightened by the bounties granted by Parliament to encourage the importation of American masts into England. The policy of granting bounties arose from the desire to develop the resources of the colonies and enable them to act the better as sources of supply for the mother country. Bounties were paid at different times on colonial masts, hemp, tar, pitch, indigo, and flax. During the sixty years which preceded the outbreak of the American Revolution, the English paid bounties amounting to no less than £1,609,345 on colonial products imported into Great Britain.

The importance of the colonies as markets for English goods increased steadily with their growth. The value of the exports to America in 1763 was ten times that in the reign of William and Mary. This great increase was due largely to the measures taken by Parliament to secure to the English merchants the monopoly of the American trade. In 1663, an act was passed which required the colonies to purchase nearly all European commodities in England. At the same time it was provided in most cases that one half

of the import duty should be remitted on such goods when re-exported to the colonies, so that European goods imported by way of England could often be bought more cheaply by Americans than by the English themselves. Nevertheless, the same goods could have been purchased for less if imported directly from the continent of Europe. This was particularly true in the case of iron and steel, cordage, sail-cloth, and paper, because no drawback was allowed on those commodities.

The acts were difficult to enforce along the extensive American coast, with its numerous harbors, and smuggling became common. In the attempt to put a stop to this practice a comprehensive measure was passed in 1696. The colonial governors were required to take an oath to enforce the acts, and prosecutions for their violation might be brought in Courts of Admiralty. **Admiralty Courts** Such courts, in which trial by jury was not allowed, were soon set up in the colonies, where they were a source of perpetual grievance. The colonists felt it a hardship that their property should be at the mercy of a judge responsible only to the king, while in England all violations of customs laws were tried before a jury in the ordinary courts.

The sugar-planters of Jamaica suffered in competition with the French in the colonial markets from the necessity of shipping their product by way of England. Accordingly they persuaded Parliament to pass the famous Molasses Act to protect the English **Molasses Act** sugar-growers of the West Indies against the competition of the French and Spanish islands. By the Act of 1733, a duty of sixpence was laid on every gallon of molasses, ninepence on every gallon of rum, and five shillings on every hundredweight of sugar imported from foreign islands into the colonies. Had this act been enforced, it would have been a serious blow to the northern colonies, for they were accustomed to export large quantities of lumber and food-stuffs to the French and Spanish West Indies, and to receive sugar and molasses in return. The molasses was made into rum and exchanged on the coast of Africa for slaves

which were sold to the sugar-planters of the islands. The colonies depended upon the profits arising from this trade to pay for goods purchased from England. This law was not in keeping with the principle of the other Navigation Acts, and would have caused much hardship and consequent resentment in the colonies had any serious effort been made for its enforcement. It was, however, so generally ignored that from 1734 to 1755 it yielded an average annual revenue of only £259. Clearly the law did not seriously cripple the trade of the colonies. Besides the revenue from the Molasses Act, some small income was derived by England from other acts, but, as these taxes were imposed for the regulation of trade and not for the sake of revenue, the Americans raised no objection to the collection of them. Grenville stated that a total of only £2000 a year was secured from the American custom houses which cost £7000 a year to maintain.

There was no place in England's colonial system for American manufactures which competed with those of the mother country. The development of such industries was altogether inconsistent with the idea that colonies should provide markets for English goods. The growth of colonial manufactures was discouraged and restricted by Parliament. In 1699, the exportation of woollen cloth from one colony to another was forbidden, and prohibitive duties were imposed upon the importation of American cloth into England. In 1732, an act was passed to restrict the manufacture of hats, which was followed in 1750 by the famous Iron Act. This law is an excellent illustration of the economic policy of England's colonial system. In order to increase the supply of pig and bar iron for the English manufacturers, the production of those commodities in America was encouraged by the removal of the English import duties, while those on Swedish iron were retained. At the same time the colonial market for English steel was protected by the prohibition of the further extension of its manufacture in America.

**Restrictions on
colonial
manufactures**

On the whole, the Americans made little protest against

the various Navigation Acts except in the case of the Molasses Act of 1733. While the enforcement of them frequently led to irritation, the general principle of England's commercial system was not seriously challenged by the Americans prior to the year 1763. Moreover, several of the colonies secured positive advantages from certain parts of the system, which in some degree compensated them for the disadvantages of other parts. Virginia profited by her monopoly of the English tobacco market, South Carolina by the bounty on indigo, North Carolina by that on tar and pitch, Pennsylvania by the removal of duties on colonial pig and bar iron in England, New England by the encouragement to her shipping. It is a mistake to represent England's commercial system as it existed in 1763 as a cause of the American Revolution. Had no changes been made in that system, the colonies would have continued to acquiesce in the restraints upon their trade until in the course of years such restrictions would have been abolished in accordance with the more liberal views of later generations.

The source of the unfortunate family quarrel between England and the colonies is not to be found in the Navigation Acts, but in the modification of those acts which began in the ministry of Grenville. Grenville ministry

This ministry was supported by the Tories, the "King's Friends," and by the Whig followers of Bedford, who joined the ministry in September as President of the Council, and was opposed by Pitt, Temple, and the other Whig leaders.

Many difficulties confronted the new ministry, but the most serious was that caused by the financial situation. During the war with France, the national debt had nearly doubled, and the expenses of the Government had vastly increased. The English people were in no mood to bear additional burdens, and Grenville turned his eyes to America. He found that the Navigation Acts were so commonly evaded that the revenue arising therefrom did not equal the cost of collecting it. The war had drawn attention to the whole subject of colonial administration. The enlargement of the empire made a readjustment of the trade laws necessary.

Grenville determined to enforce the laws already passed and to pass new laws which would yield some revenue for colonial defense. He did not ask the colonies to aid in paying the national debt or to contribute to the general support of the empire. He believed, however, that as England alone maintained the fleet, the colonies ought at least to share in maintaining the army stationed in America.

With this end in view, he secured the passage of the Sugar Act, or the Revenue Act of 1764. The preamble states that the revenue arising from the act was to be applied to the defense of the colonies. Import duties were laid in American ports on foreign sugar, indigo, coffee, wines, silks and other stuffs from Asia, and on foreign calicoes and linen brought from England. The list of enumerated commodities was enlarged. The Molasses Act of 1733 was continued, with the duty on molasses reduced from sixpence to threepence and with a prohibition of the importation of foreign rum. Bounties were given on colonial hemp and flax. In the adoption of this law Parliament embarked upon a new colonial policy. This was the first time that an act was passed with the avowed purpose of securing a revenue from the colonies. The Sugar Act, says Howard, "lies at the bottom of the Revolutionary contest."

While the Sugar Act was still under consideration, Grenville announced that one year from that time he would introduce a bill for the collection of a stamp tax in America. He invited the colonies to suggest as a substitute any other tax which would be equally remunerative. As no other tax was suggested, Grenville introduced the famous Stamp Act in February, 1765, which was designed to create a revenue "towards further defraying the expenses of defending" the British colonies in America by requiring the use of stamps on certain documents. The admiralty courts were given jurisdiction over violations of the law. The bill excited little interest in the House of Commons, where it passed by a vote of 205 to 49. In the House of Lords there was no division. It is quite evident

that no one in England was conscious of the importance of the act, which was perhaps the most fatal measure ever passed by the English Parliament. Even Franklin had no doubt that it would be enforced. In order to give time for the engraving of the stamps and the appointment of the necessary agents, it was not to go into effect until the first of the following November.

In America the news of the passage of the Stamp Act, and of a Quartering Act which required the colonies to furnish barracks and supplies for English troops, was received by the colonists with alarm and indignation as infringements on their rights and liberties. The Revenue Act of the previous year, although equally dangerous in principle, had not aroused much resistance, as the difference between that act and the previous Navigation Acts for the regulation of trade was not at first sight apparent. It created less alarm, perhaps, because the colonists were conscious of their ability to nullify it by the simple expedient of smuggling, an expedient with which they were quite familiar. The Stamp Act, however, was clearly another matter. It violated what they regarded as their inalienable right, that of giving and granting their own money. The first formal protest came from Virginia in the form of a set of resolutions drawn up by Patrick Henry and supported by him in an impassioned speech. He denied the right of Parliament to lay taxes in Virginia, and asserted that the people of that colony owed no obedience to any money bill not passed by their House of Burgesses. During the summer the more radical and disorderly elements of the population united in a secret society called the "Sons of Liberty," with the avowed object of compelling the stamp agents to resign. So successful were their measures of intimidation that, when the day came for the act to go into effect, there were no agents to receive the stamps, and the law was universally ignored.

A more creditable and honorable protest was made by the Stamp Act Congress, consisting of delegates from nine colonies, which assembled in New York on the 7th of Octo-

American
protests
against the
Stamp Act

ber. This congress adopted a petition to the king, one to the House of Lords, one to the Commons, and a Declaration of Rights. In the Declaration, the members declared their loyalty to the king and their subordination to Parliament; but asserted that, as the colonies were not represented in the House of Commons, that body could not constitutionally impose taxes upon them. They protested against that provision of the Stamp Act and of several other acts which, by extending the jurisdiction of the Admiralty Courts, denied to them the right of trial by jury, "the inherent and invaluable right of every British subject." Meanwhile, the American merchants had agreed to buy no more English goods until the Stamp Act should be repealed.

When Grenville resigned, George turned with reluctance to the Whigs, and, in July, 1765, Rockingham came into office, with Newcastle and Grafton, at the head of a ministry which was supported by the old Whig families. Pitt refused all offers to join the ministry, in the mistaken belief that it was secretly under the influence of Bute, the favorite of George III. This unwillingness of Pitt to unite actively with the reform element of the Whig Party was a great misfortune, for such a union at that time might have been strong enough to resist the baneful and corrupting influence of the king and to carry out a wise colonial policy.

Lacking the support of Pitt, and actively opposed by Grenville and Bedford, the Rockingham ministry was a feeble one. Rockingham was a man of high character and good judgment, public-spirited and patriotic, but he had little ability as a leader and none as a speaker. His influence was due chiefly to his vast wealth and to the genius of his private secretary, Edmund Burke. When Parliament met in December, its attention was at once given to the subject of the disturbances in America. On the question of receiving the petition from the Stamp Act Congress, Edmund Burke made his maiden speech and thus began his long and brilliant career in Parliament. The agreements of

the American merchants to import no more English goods until the Stamp Act should be repealed were so far successful that the English merchants became alarmed and presented petitions from London, Bristol, and Liverpool, asking for the immediate repeal of that act. It was pointed out that the collection of debts aggregating £4,000,000, which were owed by Americans to English creditors, was imperiled. The act had yielded no revenue, and it was apparent that to enforce it would be both expensive and difficult. The debate which ensued in Parliament on the question of repealing it was the most important which had occurred since the days of the English Revolution. Pitt, who was ill at the time of the passage of the act, was the great champion of its repeal. He argued that it was unconstitutional, as it violated the fundamental principle that there should be no taxation without representation. "Taxes are a voluntary gift and grant of the Commons alone." The English Commons cannot constitutionally grant to the king the property of English subjects in America. The people of America have always hitherto exercised their right "of giving and granting their own money." But while he denied the power of Parliament to impose taxes upon the Americans, he asserted in most positive terms the authority of Parliament "in every other point of legislation." He admitted its full jurisdiction in imposing duties for the regulation of trade and manufactures, which were not imposed for the sake of revenue. The right of Parliament to impose such "external" taxes was not disputed even by the colonies. "But the House has no right to lay an internal tax," or tax for the purpose of raising a revenue, "upon America, that country not being represented." He urged that "the Stamp Act be repealed, absolutely, totally, and immediately; that the reason for the repeal be assigned, because it was founded on an erroneous principle."

Pitt's argument against the Stamp Act

The chief defense of the tax in the House of Commons was made by its author, George Grenville. He denied that there was any distinction in principle between external and in-

ternal taxes, and argued that, as the House of Commons had long exercised its right to enforce the former, it had equal authority to impose the latter. Taxation, he declared, was but one part of the legislative power. He insisted that the Americans were virtually represented in Parliament, were as much represented as the people of Birmingham, Manchester, and Leeds, who elected no members of Parliament. The Palatinate of Chester and the Bishopric of Durham were taxed before they were represented. "I appeal, for proof, to the preambles of the acts which gave them representatives in Parliament." He then desired that the acts might be read. If the colonies had asked for representation instead of denying the authority of Parliament to tax them, their petition "would have merited attention." He charged the Americans with ingratitude. While the English nation was loaded with an enormous debt of £140,000,000, the Americans were given bounties on their hemp, their iron, and many other articles. In his reply to Grenville, Pitt (later Lord Chatham) said: "I come not here armed at all points, with law cases and acts of Parliament — if I had, I myself would have cited the two cases of Chester and Durham. I would have cited them, to have shown, that, even under arbitrary reigns, Parliaments were ashamed of taxing the people without their consent, and allowed them representatives."

**Opinion of
Mansfield**

spoke with greater authority than any other member of Parliament. Like Grenville, he saw no real difference between internal and external taxes. "The doctrine of representation seems ill founded; there are twelve millions of people in England and Ireland who are not represented. . . . A member of Parliament, chosen by any borough, represents not only the inhabitants of that particular place, but he represents the inhabitants of every other borough in Great Britain and the inhabitants of all the colonies and dominions of Great Britain."

During the course of the debate, Franklin, then residing

in England as the agent of Pennsylvania, was questioned concerning America at the bar of the House of Commons. He asserted that the Americans accepted the ^{Franklin's} jurisdiction of Parliament in all matters except ^{argument} in the laying of internal taxes for the purpose of raising a revenue; that the failure to repeal the Stamp Act would result in a total loss to England of her American trade. The colonies were quite willing to contribute to the defense of the empire as they had done in the past through the system of requisitions, but the people would pay no internal tax laid by Parliament.

Although still holding to the principle that England had the legal right to tax America, the ministry was convinced that it would be inexpedient to exercise that right. Impressed by the practical difficulties of enforcing the Stamp Act and by the distress of the ^{Repeal of the} English merchants, Parliament, on the 18th of March, repealed the law. On the same day, with the approval of Burke and against the opposition of Pitt, the Declaratory Act was passed, which asserted the right of Parliament to make laws to bind the colonies in all cases whatsoever.

Having removed the chief grievance of the colonies, Rockingham, inspired by Burke, persuaded Parliament to modify the unpopular Sugar Act of 1764. The chief objection of the Americans to this act was to the duty of three-pence per gallon on foreign molasses. This was now reduced to one penny per gallon, which was to be collected on all molasses, whether imported from the British, French, or Spanish colonies. This change gave genuine relief to the Americans, for the British islands of the West Indies were unable to supply sufficient molasses for their demands. This is shown by the fact that out of a total of 4,159,008 gallons of molasses imported into the colonies in 1771, only 145,762 gallons came from the British islands.

The repeal of the Stamp Act was carried against the wishes of George III. Soon after, he sent for ^{Pitt's ministry} Pitt and entrusted him with the duty of forming a new ministry. Pitt accepted the responsibility on

the 11th of July, 1766. When Rockingham and the Whigs refused to accept his overtures, he was disappointed in his hope of forming a ministry composed of the strong men of all parties, and was obliged to be content with a cabinet made up mainly of his own followers and the "King's Friends." To the regret of the public, Pitt accepted the title of the Earl of Chatham. This action was a severe blow to the strength of his ministry.

Taking office in July, he fell ill in December. During his illness, the leadership in the ministry fell to Charles Townshend, the Chancellor of the Exchequer, whom Burke declared to be the most brilliant man of his or any age. His appointment as Chancellor of the Exchequer had been insisted upon by Grafton against the wishes of Chatham. Townshend sympathized with the Whigs, and, although he admired Chatham, had supported the Stamp Act and had no sympathy with Chatham's liberal views toward America. As President of the Board of Trade in 1763, Townshend had proposed those changes in colonial policy which, when carried out by Grenville, had proved so unfortunate. When the opposition in the Commons demanded that the colonies should contribute the amount needed to pay the expenses of the army in America, Townshend promised to provide such a revenue. The Rockingham Whigs and the Grenville faction united to reduce the land tax from 4s. to 3s. in the pound, and Townshend was called upon to redeem his promise. When Chatham heard that Townshend was betraying him at every point, he came up to London and offered Townshend's post to Lord North, who had served under him in 1761. North, however, declined the offer.

Left to himself, Townshend secured the passage of the three acts which were admirably contrived, said Pownall, "to be the beginning of a series of mischiefs." They embodied the colonial policy which Townshend had suggested four years before. Revenue commissioners were appointed to enforce in America the several laws relating to the trade of the colonies. Duties were laid on glass, red lead, white lead, painters' colors, paper,

and tea when those commodities were imported into the colonies. The most famous of those duties was that of threepence per pound on tea. The revenue arising from such duties was to be applied to the payment of the colonial judges and governors, and to colonial defense. In order to decrease the smuggling of tea into the colonies from foreign ports, a drawback of the full amount of the duties collected in England was allowed for five years on tea exported to America. The East India Company, however, was required to compensate the Government for loss of revenue. It was expected that under this arrangement, in spite of the tax of threepence per pound, tea, when legally imported into the colonies, could be sold more cheaply than when it was smuggled. Within less than four months after the passage of these laws, their author, Townshend, died, leaving the difficulty of enforcing them as an evil legacy to his successor, Lord North.

The news of the Townshend Acts caused great anxiety in America. The repeal of the Stamp Act had given general satisfaction to the colonies. The Americans had rejoiced at the removal of the danger of English taxation and had taken no small pride in their achievement in making the mother country back down. In their celebration over the repeal they had given little attention to the menace of the Declaratory Act. On what ground the Townshend Acts could be opposed was not, at first, altogether clear. The duties had the appearance of an external tax, and the Americans had repeatedly admitted England's right to collect such taxes. The acts must, however, be resisted, for they were a real menace to the liberties of the Americans. They were thought to be even more dangerous than the Stamp Act, which had been resisted so vigorously and so successfully. They were obnoxious to the Americans not only because they were clearly an assertion by Parliament of its right to collect an American revenue, an assertion which had been stoutly denied in the case of the earlier tax, but also because they threatened the only control which the colonies

Attitude of
Americans
toward the
Townshend
Acts

had over their judges and governors. It had long been a grievance to the Americans, that, while the judges in England, since the passage of the Act of Settlement in 1701, held office during good behavior, those of America held office at the pleasure of the king. The proposal now made to take from the Americans their only check upon the judges, the right to vote their salaries in the colonial assemblies, naturally caused general alarm among the colonists. They likewise protested loudly against that provision which deprived them of all restraint upon the royal governors, who would be left free to veto any bill whatsoever. As Virginia had taken the lead in the resistance to the earlier act, so now Massachusetts sounded the first note of opposition by sending to the other colonies a circular letter setting forth a solemn protest. Popular sentiment was at once aroused, and the determination to resist the execution of the acts increased as their real nature was better understood. In 1768, the sloop *Liberty*, belonging to John Hancock, was seized by the revenue commissioner of Boston for violation of the customs laws. A riot resulted and the ministry sent two regiments of troops from Halifax to Boston. Upon the news of this disturbance, Parliament voted an address advising the ministers to put into force an old law of Henry VIII, by which persons accused of treason outside of the kingdom might be transported to England for trial. Although this law was never enforced against the Americans, its existence was known and the possibility of its enforcement continued to be a cause of resentment in the colonies to the outbreak of the Revolution.

The most effective arguments against the new taxes were made by the merchants, who revived that form of protest which had proved so powerful in the days of the Stamp Act. They made agreements to import no goods which were taxed by Parliament so long as the Townshend Acts continued in force.

So well were these agreements kept that the exports of England to the colonies fell off more than one third, and the English merchants began to agitate for the repeal of

the taxes. They pointed out that the value of English goods exported to New England, New York, and Pennsylvania had fallen from £1,330,000 to £400,000. At length the ministry was convinced that the time had come to abandon a system of taxes which in its first year yielded a net revenue of only £295, and resulted in such a tremendous loss to English trade. When Chatham insisted on resigning in 1768, the nominal leadership fell to Grafton, under whom public affairs both at home and abroad fell into great disorder.

Resignation
of Chatham

Parliament met in January, 1770, and the Government was at once vigorously attacked by Chatham, who had emerged from his retirement and had put himself at the head of the opposition. Rockingham, Temple, and Grenville joined him in his attacks, and the ministry began to fall to pieces. Unable to find able men to strengthen his administration, Grafton resigned on the 27th of January. It was thought that the king would be obliged to call in Rockingham or Chatham, but George declared that sooner than do so he "would abdicate or have recourse to the sword." He was saved from the necessity of resorting to either expedient by Lord North, who succeeded in forming a ministry which would carry out the policy of the king.

In the person of his new Prime Minister, George had at last found a pliant tool who would carry out his plans. Although a man of unusual ability, and not without convictions of his own, he was too indolent to oppose the wishes of the king. With the commencement of the ministry of Lord North, the management of affairs passed into the control of George III.

Lord North's
ministry

The question of the repeal of the Townshend duties arose in Parliament on the 5th of March. The king insisted on retaining the duty on tea as a kind of declaratory act, to mark the principle that England had the right to tax the colonies. The general opinion favored the total repeal of the duties which had threatened to disrupt the empire, but George persisted in his narrow views and succeeded in retaining the tax by a

Repeal of the
Townshend
Acts

majority of sixty-two. That the king must be held personally responsible for this mistaken policy is indisputable, for the entire body of "King's Friends," to the number of seventy-five, voted at his direction for the retention of the tax. At the time, however, since the other Townshend duties were repealed, it was hoped that the stormy sea of American troubles would at length subside.

The Americans heard the news of the repeal with genuine relief. Again they had the satisfaction of knowing that they had forced Parliament to relinquish a position which it had loudly professed its determination to hold. The danger to their liberties had passed. They accordingly abandoned their non-importation agreements and resumed trade with England except in the single commodity of tea. The importation of English goods increased from £1,925,571 in 1770 to £4,200,000 in 1771.

While normal relations between the colonies and the mother country were resumed, the Americans did not forget the two occasions in which their liberties had been threatened. Their confidence in England had been shaken, and they were constantly on their guard against some new encroachment upon their privileges. For three years, the smouldering fire of their resentment against England was kept alive by the so-called "Boston Massacre," by the Gaspee affair in Narragansett Bay, and by their intercolonial committees of correspondence, and flamed up afresh with all its former heat upon the arrival of the news of the passage of the East India Regulating Act in June, 1773. This act was designed to give relief to the East India Company, which found itself, through extravagance and mismanagement, in danger of bankruptcy. Moreover the refusal of many Americans to buy tea imported from England had so lessened the exportation of it to the colonies that the company had 17,000,000 pounds stored in its English warehouses.

By the Act of 1767, as we have seen, tea exported to America was relieved, for a period of five years, of all duties and taxes paid in England, but the East India Company was

required to compensate the Treasury for loss of revenue arising from this arrangement. This was done to enable the Company to compete with the Dutch. Before this law was modified in 1772, the Company paid into the Treasury £115,000. In that year, the drawback was reduced to three fifths of the amount of the English import duties, but the Company was relieved of its obligation to pay an indemnity for loss of revenue. In spite of their boycott on tea, the Americans were unwilling to abstain altogether from the use of that cheering beverage, and very considerable quantities, amounting to nearly two million pounds, were imported from England, on which the tax of threepence per pound was regularly paid. Moreover, still larger quantities were smuggled in from Holland.

North believed that if the East India Company were enabled, notwithstanding the import duty, to sell their tea in America for less than smuggled tea could be sold for, the Americans would forget their scruples over taxation and purchase tea of the East India Company. Accordingly, by the East India Regulating Act of 1773, a drawback of all duties and taxes was allowed on tea exported to the colonies. It could then be sold in the colonies subject only to the duty of threepence per pound collected in American ports. As that which was consumed in England bore import and inland taxes of nearly fifty per cent. of its value, the Americans could buy tea for a mere fraction of what it would cost their English cousins. Had George III been content with this arrangement, it is quite possible that the plan would have been successful, but he over-
Influence of
George IIIreached himself by insisting on granting the East India Company a monopoly in America, for, said North, "the king will have it so; he means to try conclusions with the Americans." Prior to the passage of this act, the Company had the monopoly of the importation of tea into England, but after storing it in its warehouses was required to sell it to merchants at public auctions. By this Act of 1773, the Company was given the privilege of sending tea from its warehouses directly to its own consignees in the colonies.

But even yet the plan might not have failed, if the Company had had the wisdom to select as its consignees the American tea merchants, but when it chose other agents the interest of the regular merchants was aroused to prevent the ruin of their business. This would be particularly true of any who had a large stock of smuggled tea on their hands.

In December, the first consignments arrived in America. From Philadelphia and New York, the tea was sent back to England. At Charleston, it was stored in a warehouse, and three years later was sold for the benefit of the Revolutionary army. At Boston, the arrival of the ships created great excitement. Hutchinson refused to allow them to leave the harbor until the cargoes had been landed. On the 16th of December, a band of men disguised as Indians boarded the vessels, ripped open the chests, and threw the tea, valued at £18,000, into the harbor.

At first sight there is something curious about the attitude of the Americans of 1773 toward the tea tax. At the very time that they were resisting this tax as if it were a pestilence, they were paying without serious protest similar taxes on their molasses, on their sugar, and on their coffee. The imposition of these taxes was not apparently considered so dangerous inasmuch as the revenue arising from them was not used in a way to interfere with their control over their colonial governments. There is abundant evidence that they saw in the tax on tea dangers greater even than that of parliamentary taxation.

The news of the Boston Tea Party was received in England with almost universal expressions of condemnation. Franklin denounced it and advised the people of Boston to pay for the tea. Chatham declared that it "was certainly criminal." George III was furious. General Gage offered to settle the whole matter with four regiments. Fox and Burke, on the other hand, urged the repeal of the tax, but Lord North, declaring that such action "would stamp us with timidity," carried through Parliament the laws which are known as the "Penal Acts."

By the first of these, the port of Boston was closed until the tea should be paid for. By the second, the charter of Massachusetts was changed; the members of the Council, who by the charter were chosen by the General Court, were hereafter to be appointed by the king, and to hold their office during his pleasure; the sheriffs were to be appointed by the royal governor and were given power to select the jurors, who had formerly been elected; town meetings were forbidden except for the purpose of electing officers. By the third, the trial of any person charged with murder in Massachusetts while in the discharge of his duty could be transferred by the governor to Great Britain or to some other colony. In spite of the opposition of Fox, Chatham, and Burke, these coercive acts were passed by large majorities in both houses. On the 19th of April, a motion was made to repeal the tax on tea. In support of this motion Burke's *Speech on American Taxation* was delivered.

The Boston Port Act was rigidly enforced by General Gage, who superseded Hutchinson as governor, and the town was soon reduced to such distress that the sympathy of the other colonies was aroused and their conviction deepened that the cause of Massachusetts was the cause of all. Washington's appreciation of the trend of events was shown by his offer to raise one thousand men toward the relief of Boston and subsist them at his own expense. George III likewise displayed a true understanding of the situation. "The die is now cast," said he. "The colonies must either submit or triumph." On the 17th of June, Massachusetts elected five delegates to a congress to be held in Philadelphia on the 1st of September. The other colonies followed the lead of Massachusetts, and the First Continental Congress assembled on the 5th of September in Carpenters' Hall in Philadelphia. Fifty-five

The First
Continental
Congress

delegates represented twelve colonies, Georgia alone being unrepresented. The purpose of the Congress was "to consult upon the state of the colonies," and "to determine upon wise and proper measures for the recovery and establishment of their just rights and liberties and the restoration of

union and harmony between Great Britain and the colonies most ardently desired by all good men." The members drew up a petition to the king, whom they addressed as "the loving father of his whole people." In a Declaration of Rights, they enumerated the grievances arising from the various acts of Parliament, from the Revenue Act of 1764 to the Penal Acts of 1774, and asserted that the colonies were "entitled to a free and exclusive power of legislation in their several provincial legislatures," subject only to the royal veto. While thus denying the jurisdiction of Parliament in the internal affairs of the colonies, they admitted its right to regulate their trade "to the mutual interest of both countries."

To obtain redress of grievances through the repeal of the obnoxious acts of Parliament, the Congress resorted to the expedient which on two previous occasions had proved so efficacious, by adopting the famous Association, in which the opinion was expressed "that a non-importation, non-consumption, and non-exportation agreement faithfully adhered to, will prove the most speedy, effectual, and peaceable measure." On this boycott of English goods, enforced by local committees, was based the hope of resisting the encroachments of the mother country.

The work of the Congress did not meet from all classes with the hearty approval essential to its success. Thousands of Americans challenged the authority of the Congress and insisted that its measures, if accepted by the public, would end inevitably in civil war. Inspired by such a conviction, the Loyalists exerted themselves as never before. They realized that the time had come for every man who still cherished the connection with England and the cause of peace to bestir himself. The Loyalist, or Tory, Party comprised more than one third of the total white population of the colonies. In some, nearly one half of the population was hostile to the action of the Congress. The assemblies of New York and Georgia refused to ratify the Association. Among the Loyalists were a large number of the best educated and most cultured people of every

The Loyalists

colony, the majority of the professional classes, and the men of largest wealth. Many of the Tories defended with great skill the legal right of England to tax the colonies, but their strongest arguments were those which attacked the expediency of the measures of the Continental Congress. As Burke argued that Parliament ought not to insist at any cost on exercising every doubtful right, and declared that the question of the right to tax America was less than nothing in his consideration, "It is not what a lawyer tells me I may do," said he, "but what humanity, reason, and justice tell me I ought to do," the Loyalists, in the same spirit, asserted that it was not a time for Americans to insist on every questionable right, and that humanity, reason, and justice do not require a people to resort to force upon the first manifestation of wrong. They urged their countrymen to try other and more constitutional methods before embarking upon a policy which would disrupt the empire. The Loyalists in America, and the followers of Burke and Chatham in England, were the peace party who sought to preserve the unity of the empire and to prevent what they believed to be an unnecessary and unnatural war.

The petition and other papers of the Continental Congress were submitted to Parliament on the 19th of January. On the 1st of February Chatham presented in the House of Lords a plan for reconciliation with the colonies. He proposed that the obnoxious acts be repealed if Congress should recognize the legislative supremacy of Parliament; that England renounce all right to lay taxes in America provided that Congress should vote a perpetual revenue to the king, and assign to each colony its quota of taxes; that colonial judges should hold office during good behavior and that trial by jury be guaranteed in all civil cases. In support of his plan Chatham made an earnest plea, but on its first reading his proposal was defeated by a large majority. In America it received the approval of Jefferson, and Franklin spoke of it as "a foundation of a lasting good agreement."

Proposals
of Chatham

That the House of Commons was not unwilling to make

concessions in order to avoid war was shown by the passage on February 27 of resolutions introduced by Lord North. In these resolutions, Parliament offered to return to the old system of requisitions which had been in use prior to 1765 and abandon its plan of imposing direct taxes upon any colony which would contribute to the English Treasury a sum satisfactory to Parliament. This plan of conciliation was denounced by Burke as "ransom by auction." While North's proposal was under consideration, he introduced the "Grand Penal Bill," to "restrain the trade and commerce of New England to Great Britain and the British islands in the West Indies." This bill, which was designed as a retaliation for the Association passed by the Continental Congress, became law on March 30, and was followed the next month by the passage of a similar act restraining the trade of the southern colonies. During the consideration of this bill, in a last supreme effort to convince Parliament of the danger of the course they were following, Burke, on the 22d of March, delivered his great *Speech on Conciliation*.

North's Plan
of conciliation

"Grand Penal
Bill"

ANALYSIS

(The numbers in parentheses refer to paragraphs. Where numbers only are given, the student is expected to fill out the outline from the paragraph indicated. For further comment on the use of the Analysis, see Preface.)

INTRODUCTION

- I. The return of the grand penal bill affords the House an opportunity to reconsider the question of America in its entirety (1).
- II. Burke, finding it necessary to form some fixed ideas concerning the policy of the Empire, has, after much study of the question, adhered to his original sentiments (2 and 3).
- III. Parliament, however, during the same period, has often changed its views and policy, with the result that America has been brought into her present situation (4).
- IV. The critical nature of that situation, and the consequent necessity that the minority shall cease merely to criticize the ministry, are Burke's reasons why he, a member of the minority, now comes forward with a remedial plan for America. He is sure that, because of his own lack of influence, his plan will be considered purely on its own merits (5-8).
- V. The proposition which the House is to consider is the proper means of securing peace (9).
- VI. Burke's plan for securing peace, which is much simpler than Lord North's, derives one great advantage from the fact that Lord North's has been accepted; the advantage, namely, that conciliation (i.e., the act of restoring friendly feeling) is acknowledged to be admissible:—
 - A. (11.)
 - B. and C. (12.)

VII. Lord North and Burke therefore agree on the general principle involved; they have, that is, the common purpose of conciliating the colonies. They differ, however, as to the means by which that end is to be accomplished. Burke intends to offer genuine concession (see note on paragraph 11 for the distinction in meaning between "concession" and "conciliation") such as is implied in the acknowledged need of conciliation, for —

A. In a material dispute, the concession should be made by the superior power (13).

VIII. The two leading questions which the House must consider are: first, whether England ought to concede; second, what the nature of the concession ought to be (14).

EXPOSITION

(During this long exposition the main argument is held in suspense. The facts that Burke presents are not argument in themselves, except by implication. Later, Burke bases an important argument upon them.)

Before deciding either of these questions, we must consider the nature and circumstances of the object for which we propose to decide them, for —

A. (14.)

I. One aspect of the object which may help us to determine our policy concerning it, is its population (15).

A. Reasons for considering this first (16).

II. Another aspect of the object which may help us to determine our policy concerning it is the growth of its industries.

A. (17-28.)

1. Exports to the colonies (19-24).

2. Refutation (24).

3. Oratorical passage for emphasis (25).

4. A particular case (26).

5. Imports from the colonies (28).

B. (29.)

C. (30.)

Digression from the exposition: a refutation of those who, impressed by the prosperity of the colonies, declare that they are well worth fighting for. There are four objections to the use of force (31): —

A. (32.)

B. (33.)

C. (34.)

D. (35.)

III. Exposition resumed. A third aspect of the object which may help us to determine our policy concerning it, is the temper and character of the people, in which a love of freedom is a predominating feature (36 and 37). This fierce spirit of liberty is produced by six causes: —

A. (38.)

B. (39.)

C. (40.)

D. (41.)

E. (42.)

F. (43.)

TRANSITION TO PROOF OF FIRST LEADING QUESTION

You have considered the object; the question now is, what will you do with it? Whatever you do must have a permanent result and prevent the return of such unhappy deliberations as the present, for what astonishing things have been already produced by this unnatural contention (45): —

I. In Virginia (45).

1. Result (last sentence).

II. In Massachusetts (46).

III. In England (46).

PROOF OF THE FIRST LEADING QUESTION, WHETHER ENGLAND SHOULD CONCEDE

There are three ways of dealing with *the spirit of resistance* in America (47); a fourth, which has been suggested,

is not to be considered. If the first two prove, upon examination, not to be feasible, then the third is the only way possible. The proof by elimination which follows is based in part upon the preceding exposition, though the material of the exposition is employed in a condensed and rearranged form. The population of the colonies, their prosperity (commerce, agriculture, and fisheries), and the people's love of liberty are now regarded as causes of their *spirit of resistance*.

- I. The first plan, to change the spirit of resistance by removing the causes, is impossible (48), for —
 - A. The growing population, the first cause (49), cannot be checked, for —
 1. The means proposed for checking it, the withholding of land grants (49), cannot be applied, for —
 - a. (49.)
 - b. (50.)
 - B. The prosperity of the colonies, the second cause, particularly the prosperity of their marine enterprises (commerce and fisheries), can be arrested, but such a course would be inexpedient, for —
 1. and 2. (52.)
 - C. The love of liberty, the third cause, is unalterable, for the six causes that have produced it cannot be eradicated : —
 1. (53.)
 2. (54.)
 3. (54.)
 4. (54.)
 5. (55-56.)
 6. (57.)
- II. The second plan, to prosecute the spirit of resistance as criminal, is impossible, for —
 - A. (59.)
 - B. (60.)
 - C. (61.)
 - D. (62.)

- III. Since the first two plans are impossible or inexpedient, the third, to comply with the spirit of resistance as necessary, is the only way open. *At this point Burke has proved the first leading question, that England ought to concede* (64).

TRANSITION TO PROOF OF SECOND LEADING QUESTION

To ascertain the nature of the concession, we must examine the Americans' complaint. It is that they are taxed in a parliament in which they are not represented (65).

- I. You must satisfy them, if at all, with regard to this complaint (65), for —

A. To please any people, you must give them what they want, and not some substitute (65).

B. The objection that in satisfying this complaint England is waiving her right to tax the colonies, is not to be considered, for —

1. (66.)

2. (67.)

- II. Burke proposes, then, regardless of England's right, to admit the colonists permanently into an interest in the Constitution (68), for —

A. It is now too late to satisfy them merely by the repeal of an existing revenue act (69).

B. The objection to satisfying them based on the contention that they will attack the trade laws, is unsound (70), for —

1. It is an argument in favor of retaining mischievous taxes in order to protect admittedly useless trade laws (71-73).

2. (74.)

3. (74.)

C. The objection to satisfying them based on the contention that they will go further is unsound, for —

1. and 2. (75.)

PROOF OF THE SECOND LEADING QUESTION, WHAT THE NATURE OF THE CONCESSION OUGHT TO BE

In forming a plan of concession Burke consults the English Constitution (77 and 78). He finds, for his guidance, four great precedents, each showing England's policy with reference to grievances based on a lack of representation:—

- I. (79.) (At least five steps in the discussion.)
- II. (80–83.) (At least three steps.)
- III. (84–86.) (At least two steps.)
- IV. (87.)
- V. These precedents apply to America (88).
- VI. These precedents might authorize Burke in proposing that the colonies shall be represented in the English Parliament, but there is an obstacle in the way of such representation (89). They establish the ancient constitutional policy of this kingdom with regard to representation (90). In applying the principle of that policy to the present situation, Burke returns to the practice that was in operation until 1763.

THE SIX FUNDAMENTAL PROPOSITIONS

Burke's resolutions, therefore, mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition*, etc. (91). The six fundamental resolutions (to be followed by three corollary propositions) are as follows:—

- I. (94.) (No proof.)
- II. (96.) *a.* and *b.* (98.)
- III. (99.) (No proof.)
- IV. (101.) *a.* (102.)
- V. (103.) *a.* (105–106.) *b.* (107–108.) *c.* (108.) *d.* (109.)
- VI. (111.) *a.* and *b.* (110.)

Conclusion to be derived from evidence offered in support of these resolutions (112–113). *At this point Burke has proved the second leading question, what the concession should be.*

THE THREE COROLLARY PROPOSITIONS

- I. The first corollary resolution proposes to repeal or modify five acts objectionable to the Americans: *a.* The tax on tea provided for in the Townshend Acts; *b. c. d. e.* (114).
 Proofs in support of these repeals: *a.* (no proof); *b.* 1 and 2 (115); *c.* (117); *d.* 1 and 2 (116); *e.* (explanation of intent, 118).
- II. The second resolution proposes to secure to the colonies a fair and unbiased judicature (119).
- III. The third resolution proposes to reform the Courts of Admiralty (120), for the following reasons: A and B (121).

REFUTATION

Two objections may have arisen to Burke's plan and his argument in support of it: —

- I. The first objection is that in citing the case of Chester, which involves a protest against *all legislation* without representation, Burke has given the colonies authority to object to England's whole legislative authority (123). This objection will not stand, for —

- A. The words of the Chester Act are the words of Parliament and not Burke's, and all false inferences drawn from them he heartily disclaims (124).

- B. These same words, once cited by two members of Parliament who held opposite views on the right of taxation, may be regarded as favorable alike to the rights of Parliament and of the dependencies of the Crown (124).

- C. The object of grievance stated in Burke's second major *resolution* is not taken from the Chester Act, but from the Durham Act, which confines the want of representation to the case of taxes (124).

- D. The history of the quarrel does not support the contention (125).
- E. Mankind do not follow up any abstract principle as far as it will go in logical inference (125).
- F. (126, first sentence).
- II. The second objection, that Burke's plan will dissolve the unity of the empire, is unsound, for —
A and B (127).

BURKE'S CRITICISM OF LORD NORTH'S PLAN

- I. (129.)
- II. (130.)
- III. (131.)
- IV. (132.)
 - a. (133.)
 - b. (134.)
 - c. (135.)
 - d. (136.)
- V. Comparison (137).

REFUTATION

The objection that Burke's plan will not produce a revenue is unsound, for —

- I. (138.)
- II. (139.)
- III. No plan can raise a revenue which is to be transmitted to England (141).

CONCLUSION, OR PERORATION

- I. (142.)
- II. (143.)
- III. (144.)
- IV. (145.)

CONCILIATION WITH THE COLONIES

I HOPE, Sir, that notwithstanding the austerity of the Chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House. I do confess I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor, by which we are put once more in possession of our deliberative capacity upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American Government as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America ; to attend to the whole of it together ; and to review the subject with an unusual degree of care and calmness.

2. Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honor

of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of Parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and, having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British Empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts, to ballast my conduct, to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe or manly to have fresh principles to seek upon every fresh mail which should arrive from America.

3. At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

4. Sir, Parliament, having an enlarged view of objects, made during this interval more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is

undoubted, — that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation — a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

5. In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member of great Parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated, that the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity; that the very vicissitudes and shiftings of Ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigor as cruel, and every proposal of leniety as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries; we must produce our hand. It would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

6. I felt the truth of what my honorable friend represented ; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far in to his opinion that I immediately threw my thoughts into a sort of Parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception ; and, for my part, I am not ambitious of ridicule ; not absolutely a candidate for disgrace.

7. Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government ; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our colonies, I confess my caution gave way. I felt this as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller ; and there are occasions when any, even the slightest, chance of doing good must be laid hold on, even by the most inconsiderable person.

8. To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with

these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure that, if my proposition were futile or dangerous, if it were weakly conceived, or improperly timed, there was nothing exterior to it of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

9. The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented, from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the Mother Country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act and by the bond of the very same interest which reconciles them to British government.

10. My idea is nothing more. Refined policy ever

has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project which has been lately laid upon your table by the noble lord in the blue ribbon. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

11. The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bills of pains and penalties — that we do not think ourselves precluded from all ideas of free grace and bounty.

12. The House has gone farther: it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints

of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

13. The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses forever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

14. The capital leading questions on which you must this day decide, are these two: First, whether you

ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us; because after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations, nor according to abstract ideas of right — by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

15. The first thing we have to consider with regard to the nature of the object is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, besides at least five hundred thousand others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in

that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

16. I put this consideration of the present and the growing numbers in the front of our deliberation, because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feeling of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

17. But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person at your bar.

This gentleman, after thirty-five years — it is so long since he first appeared at the same place to plead for the commerce of Great Britain — has come again before you to plead the same cause, without any other effect of time, than that to the fire of imagination and extent of erudition which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

18. Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view from whence, if you will look at the subject, it is impossible that it should not make an impression upon you.

19. I have in my hand two accounts: one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the Inspector-General's office, which has been ever since his time so abundant a source of Parliamentary information.

20. The export trade to the colonies consists of three great branches: the African — which, termin-

ating almost wholly in the colonies, must be put to the account of their commerce, — the West Indian, and the North American. All these are so interwoven that the attempt to separate them would tear to pieces the contexture of the whole; and, if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

21. The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus: —

Exports to North America and the West	
Indies	£483,265
To Africa	86,665
	£569,930

22. In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows: —

To North America and the West Indies .	£4,791,734
To Africa	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence	364,000
	£6,022,132

23. From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade as compared with itself at these two periods within this century; — and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood

in the other point of view; that is, as compared to the whole trade of England in 1704:—

The whole export trade of England, including that to the colonies, in 1704 . .	£6,509,000
Export to the colonies alone, in 1772 . .	6,024,000
Difference,	<u>£485,000</u>

24. The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods; and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

25. Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before

we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*. Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision that when in the fourth generation the third prince of the House of Brunswick had sat twelve years on the throne of that nation which, by the happy issue of moderate and healing counsels, was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one—if, amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and, whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarcely visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him: “Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the

world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate, indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

26. Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why, nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

27. I choose, Sir, to enter into these minute and particular details, because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth, invention is unfruitful, and imagination cold and barren.

28. So far, Sir, as to the importance of the object, in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive

the burden of life ; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed ; but I must prescribe bounds to myself in a matter so vast and various.

29. I pass, therefore, to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest I am persuaded they will export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

30. As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy ; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it ? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath

the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries; no climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

31. I am sensible, Sir, that all which I have asserted in my detail is admitted in the gross; but that

quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

32. First, Sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

33. My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

34. A further objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole*

America. I do not choose to consume its strength along with our own, because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

35. Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

36. These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce — I mean its *temper and character*.

37. In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the

only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth, and this from a great variety of powerful causes; which, to understand the true temper of their minds and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

38. First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English Constitution

to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

39. They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular

representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

40. If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least co-eval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent, and the protestantism of the Protestant religion. This

religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all ; and even that stream of foreigners which has been constantly flowing into these colonies has, for the greatest part, been composed of dissenters from the establishments of their several countries, who have brought with them a temper and character far from alien to that of the people with whom they mixed.

41. Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude ; liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior

morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

42. Permit me, Sir, to add another circumstance in our colonies which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's *Commentaries* in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say that this knowledge ought to teach

them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honorable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores*. This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

43. The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that

you should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law of extensive and detached empire.

44. Then, Sir, from these six capital sources — of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government — from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit that unhappily meeting with an exercise of power in England which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

45. I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps

ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us, as their guardians during a perpetual minority, than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but — what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity and its first vital movement from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it — knowing in general what an operose business it is to establish a government absolutely new. But having,

for our purposes in this contention, resolved that none but an obedient Assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it, that Lord Dunmore — the account is among the fragments on your table — tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of Governor, as formerly, or Committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

46. Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment

was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor for near a twelvemonth, without Governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad; for in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

47. But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in

every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies, and disturbs your government. These are — to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, — that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the forwardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

48. The first of these plans — to change the spirit, as inconvenient, by removing the causes — I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

49. As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that in order to check this evil it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only

effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

50. But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; they would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counselors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime and to suppress as an evil, the command and blessing of providence, *Increase and multiply*. Such would be the happy result of the endeavor to keep as a lair of wild beasts that earth which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our

people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

51. Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

52. To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind, a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in

her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

53. The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

54. I think it is nearly as little in our power to change their republican religion as their free descent; or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of laws; or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us, not quite so effectual, and perhaps in the end full as difficult to be kept in obedience.

55. With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves. This object has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too, and arm servile hands in defence of freedom?—a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

56. Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters—from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them on an African vessel which is refused an entry into the ports of Virginia or Carolina with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

57. But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this

dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

“Ye gods, annihilate but space and time,
And make two lovers happy!”

was a pious and passionate prayer; but just as reasonable as many of the serious wishes of grave and solemn politicians.

58. If then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes, and not quite easy to remove the natural, which produce prejudices irreconcilable to the late exercise of our authority — but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us — the second mode under consideration is to prosecute that spirit in its overt acts as *criminal*.

59. At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters that there is a very wide difference, in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I hope I am not ripe to pass sentence on

the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that, for wise men, this is not judicious ; for sober men, not decent ; for minds tinctured with humanity, not mild and merciful.

60. Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this ; that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen — and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening — that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption, in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power ; for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded against his will or his acts, his whole authority is denied ; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part ? Will it not teach them

that the government against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

61. We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and the most vexatious of all injustice. Sir, these considerations have great weight with me when I find things so circumstanced, that I see the same party at once a civil litigant against me in point of right and a culprit before me, while I sit as a criminal judge on acts of his whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

62. There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not,

at least in the present stage of our contest, altogether expedient ; which is nothing less than the conduct of those very persons who have seemed to adopt that mode by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an Act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such, nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former Address ; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent ; but it shows how difficult it is to apply these juridical ideas to our present case.

63. In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious ? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous ? What advances have we made towards our object by the sending of a force which, by land and sea, is no contemptible strength ? Has the disorder abated ? Nothing less. When I see things in this situation after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

64. If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable ; if the ideas of criminal process be inapplicable — or, if applicable, are in the highest degree inexpedient — what way yet remains ? No way is open but the third and last — to comply with the

American spirit as necessary ; or, if you please, to submit to it as a necessary evil.

65. If we adopt this mode, — if we mean to conciliate and concede — let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask ; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession ; whereas our present theme is the mode of giving satisfaction.

66. Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle — but it is true ; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature ; or, whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep

questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only thickens the confusion; for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the great

“Serbonian bog,
Betwixt Damiata and Mount Casius old,
Where armies whole have sunk.”

I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?

67. Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by an unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas

of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

68. My idea, therefore, without considering whether we yield it as a matter of right or grant as matter of favor, is to *admit the people of our colonies into an interest in the Constitution*; and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit that we mean forever to adhere to that solemn declaration of systematic indulgence.

69. Some years ago the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events since that time may make something further necessary; and not more necessary for the satisfaction of the colonies than for the dignity and consistency of our own future proceedings.

70. I have taken a very incorrect measure of the disposition of the House if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute, we are too exquisite in our conjectures of the future, for men oppressed with such great and

present evils. The more moderate among the opposers of Parliamentary concession freely confess that they hope no good from taxation, but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse whenever I hear it; and I am the more surprised on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

71. For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue ribbon shall tell you that the restraints on trade are futile and useless — of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

72. Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme;

then, Sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

73. Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans; but my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations, or that these commercial regulations are the true ground of the quarrel, or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

74. One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the

taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not justifying your anger by their misconduct, but it is converting your ill-will into their delinquency.

75. But the colonies will go further. Alas! alas! when will this speculation against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for a sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case to make a rule for itself? Is all authority of course lost when it is not pushed to the extreme? Is it a certain maxim that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

76. All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, Sir, discourage me from entertaining the idea of a conciliatory concession founded on the principles which I have just stated.

77. In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was

certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities, a total renunciation of every speculation of my own, and with a profound reverence for the wisdom of our ancestors who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

78. During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them, and the issue of their affairs showed that they had not chosen the most perfect standard; but, Sir, I am sure that I shall not be misled when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle — it was with all due humility and piety — I found four capital examples in a similar case before me; those of Ireland, Wales, Chester, and Durham.

79. Ireland, before the English conquest, though never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled according to the present form is disputed among antiquaries; but we have all the reason in the world to be assured that a form of Parliament such as England then enjoyed she instantly communicated to Ireland, and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage and the feudal knighthood, the roots of our primitive Constitution, were early transplanted into

that soil, and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least an House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to all Ireland. Mark the consequence. English authority and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davies shows beyond a doubt that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their Constitution, the principle of which was respected by usurpation, restored with the restoration of monarchy, and established, I trust, forever by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is, and, from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have

ever formally taxed her. The irregular things done in the confusion of mighty troubles and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment, if the casual deviations from them at such times were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British Empire.

80. My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old Constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of Lords Marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those terms, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder,

and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

81. Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another Act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made Acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the Statute Book was not quite so much swelled as it is now, you find no less than fifteen Acts of penal regulation on the subject of Wales.

82. Here we rub our hands. — A fine body of precedents for the authority of Parliament and the use of it! — I admit it fully; and pray add likewise to these precedents that all the while Wales rid this kingdom like an *incubus*, that it was an unprofitable and oppressive burthen, and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

83. The march of the human mind is slow. Sir, it

was not until after two hundred years discovered that, by an eternal law, providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill-husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against a whole nation were not the most effectual methods of securing its obedience. Accordingly in the twenty-seventh year of Henry the Eighth the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the Marches were turned into Counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties — the grant of their own property — seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by Act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day-star of the English Constitution had arisen in their hearts, all was harmony within and without —

— “*simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit.*”

84. The very same year the County Palatine of Chester received the same relief from its oppressions and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard the Second drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you:—

85. To the King, our Sovereign Lord, in most humble wise shewen unto your excellent Majesty the inhabitants of your Grace's County Palatine of Chester: (1) That where the said County Palatine of Chester is and hath been always hitherto exempt, excluded, and separated out and from your High Court of Parliament, to have any Knights and Burgesses within the said Court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said county; (2) And forasmuch as the said inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by your said Highness and your most noble progenitors, by authority of the said Court, as far forth as other counties, cities, and boroughs have been, that have had their Knights and Burgesses within your said Court of Parliament, and yet have had neither Knight ne Burgess there for the said County Palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with Acts and Statutes made within the said Court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said County Palatine, as pre-

judicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same.

86. What did Parliament with this audacious address? — Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? — They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint — they made it the very preamble to their Act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

87. Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles the Second with regard to the County Palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed that the style of the preamble is nearly the same with that of the Chester Act; and, without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

88. Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of Parliaments, avail anything, what can be said against applying them with regard to America? Are not the

people of America as much Englishmen as the Welsh? The preamble of the act of Henry the Eighth says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood? or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

89. You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the colonies in Parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura* — I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely

assert the impracticability of such a representation; but I do not see my way to it, and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened, and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

—90. Fortunately I am not obliged, for the ways and means of this substitute, to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths—not to the *Republic* of Plato, not to the *Utopia* of More, not to the *Oceana* of Harrington. It is before me—it is at my feet,—

“And the rude swain
Treads daily on it with his clouted shoon.”

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament; and as to the practice, to return to that mode which an uniform experience has marked out to you as best, and in which you walked with security, advantage, and honor, until the year 1763.

91. My resolutions therefore mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition*; to mark the *legal competency* of the colony Assemblies for the support of their government in peace, and for public aids in time of war; to acknowledge that this legal competency has had a *dutiful and beneficial exercise*; and that experience

has shown the *benefit of their grants*, and the *futility of Parliamentary taxation as a method of supply*.

92. These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence that, if you admitted these, you would command an immediate peace, and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact, and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

93. Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation.

94. The first is a resolution, —

That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate Governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament.

95. This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the Constitution; it is taken nearly *verbatim* from Acts of Parliament.

96. The second is like unto the first, —

That the said Colonies and Plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes given and granted by Parliament, though the said Colonies and Plantations have not their Knights and Burgesses in the said High Court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same.

97. Is this description too hot, or too cold; too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient Acts of Parliament.

*“Non meus hic sermo, sed quæ præcepit Ofellus,
Rusticus, abnormis sapiens.”*

It is the genuine produce of the ancient, rustic, manly, homebred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound

words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

98. There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case, although Parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial; but men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences, withdrawn without offence on the part of those who enjoyed such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed, or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George the Second? Else, why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which

were likewise repealed, and which Lord Hillsborough tells you, for the Ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribbon, now standing on your Journals, the strongest of all proofs that Parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

99. The next proposition is, —

That, from the distance of the said Colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said Colonies.

100. This is an assertion of a fact. I go no further on the paper, though, in my private judgment, a useful representation is impossible. I am sure it is not desired by them, nor ought it perhaps by us — but I abstain from opinions.

101. The fourth resolution is, —

That each of the said Colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services.

102. This competence in the colony assemblies is certain. It is proved by the whole tenor of their Acts of Supply in all the assemblies, in which the constant style of granting is, “An aid to his Majesty”; and

Acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British Parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the crown. I say that if the crown could be responsible, his Majesty — but certainly the ministers — and even these law officers themselves through whose hands the acts passed, biennially in Ireland, or annually in the colonies — are in an habitual course of committing impeachable offences. What habitual offenders have been all Presidents of the Council, all Secretaries of State, all First Lords of Trade, all Attorneys and all Solicitors-General! However, they are safe, as no one impeaches them; and there is no ground of charge against them except in their own unfounded theories.

103. The fifth resolution is also a resolution of fact, —

That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament.

104. To say nothing of their great expenses in the Indian wars, and not to take their exertion in foreign ones so high as the supplies in the year 1695 — not to

go back to their public contributions in the year 1710 — I shall begin to travel only where the Journals give me light, resolving to deal in nothing but fact, authenticated by parliamentary record, and to build myself wholly on that solid basis.

105. On the 4th of April, 1748, a Committee of this House came to the following resolution:—

Resolved: That it is the opinion of this Committee that it is just and reasonable that the several Provinces and Colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the Crown of Great Britain the Island of Cape Breton and its dependencies.

106. These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

107. On the 28th of January, 1756, a message from the King came to us, to this effect:—

His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain Colonies in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a proper reward and encouragement.

108. On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message, but with the further addition, that the money then voted was as an encouragement to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to

the truth of my resolutions. I will only refer you to the places in the journals:—

Vol. xxvii. — 16th and 19th May, 1757.

Vol. xxviii. — June 1st, 1758; April 26th and 30th, 1759; March 26th and 31st, and April 28th, 1760; January 9th and 20th, 1761.

Vol. xxix. — January 22d and 26th, 1762; March 14th and 17th, 1763.

109. Sir, here is the repeated acknowledgment of Parliament that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinning in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand when the taxing system began?

When Mr. Grenville began to form his system of American revenue, he stated in this House that the colonies were then in debt two millions six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

110. We see the sense of the crown, and the sense of Parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*. Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What! Can none of the many skilful index-makers that we are now employing find any trace of it? — Well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

111. I think, then, I am, from those journals, justified in the sixth and last resolution, which is —

That it hath been found by experience that the manner of granting the said supplies and aids, by the said General Assemblies, hath been more agreeable to the said Colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said Colonies.

112. This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

113. The question now on all this accumulated matter, is: whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination, or fact; whether you prefer enjoyment, or hope; satisfaction in your subjects, or discontent?

114. If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner:—

That it may be proper to repeal an act made in the seventh year of the reign of his present Majesty, entitled, “An act for granting certain duties in the British Colonies and Plantations in America; for allowing a drawback of the duties of customs upon the exportation from this

Kingdom of coffee and cocoa-nuts of the produce of the said Colonies or Plantations ; for discontinuing the drawbacks payable on china earthenware exported to America ; and for more effectually preventing the clandestine running of goods in the said Colonies and Plantations." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise at the town and within the harbor of Boston, in the Province of Massachusetts Bay, in North America." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the Province of Massachusetts Bay, in New England." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the better regulating of the Government of the Province of the Massachusetts Bay, in New England." — And also that it may be proper to explain and amend an act made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, "An act for the Trial of Treasons committed out of the King's Dominions."

115. I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the King's pleasure) it was passed, as I apprehend, with less regularity and on more partial principles than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the Restraining Bill of the present session does not go to the length

of the Boston Port Act. The same ideas of prudence which induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

116. Ideas of prudence and accommodation to circumstances prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the crown has far less power in the two former provinces than it enjoyed in the latter, and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable that if I did not wish absolutely to repeal, I would by all means desire to alter it, as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the Governor to change the sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

117. The act for bringing persons accused of committing murder, under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies, and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation, and therefore must, on my principle, get rid of that most justly obnoxious act.

118. The act of Henry the Eighth, for the trial of

treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons—and the greatest treasons may be committed—in places where the jurisdiction of the crown does not extend.

119. Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature, for which purpose, Sir, I propose the following resolution:—

That, from the time when the general assembly or general court of any colony or plantation in North America shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior, and shall not be removed therefrom but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, or of the colony in which the said chief justice and other judges have exercised the said offices.

120. The next resolution relates to the courts of admiralty. It is this:—

That it may be proper to regulate the courts of admiralty or vice-admiralty authorized by the fifteenth chapter of the fourth of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same.

121. These courts I do not wish to take away; they are in themselves proper establishments. This court is

one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased, but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court partaking in the fruits of its own condemnation is a robber. The Congress complain, and complain justly, of this grievance.

122. These are the three consequential propositions. I have thought of two or three more, but they come rather too near detail, and to the province of executive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

123. Here, Sir, I should close; but I plainly perceive some objections remain which I ought, if possible, to remove. The first will be that in resorting to the doctrine of our ancestors as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation; and that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

124. To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, *that the words are the words of Parliament and not mine*, and that all false and inconclusive inferences drawn from them are not mine.

for I heartily disclaim any such inference. I have chosen the words of an Act of Parliament which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formally moved to have read at your table in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favorable as possible to both, when properly understood ; favorable both to the rights of Parliament, and to the privilege of the dependencies of this crown ? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies, and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure* or *de facto* bound, the preambles do not accurately distinguish, nor indeed was it necessary ; for, whether *de jure* or *de facto*, the Legislature thought the existence of the power of taxing as of right, or as of fact without right, equally a grievance and equally oppressive.

125. I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is besides a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in

argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt

to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments as the most fallacious of all sophistry.

126. The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease, nor do I apprehend the destruction of this empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights upon which I have always been taught to value myself.

127. It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means, nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent,

legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

128. But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord on the floor, which has been so lately received and stands on your Journals. I must be deeply concerned whenever it is my misfortune to continue a difference with the majority of this House; but as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the Committee.

129. First, then, I cannot admit that proposition of a ransom by auction; because it is a mere project. It is a thing new, unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the Constitution. It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili* is a good rule, which will ever make me adverse to any trial of

experiments on what is certainly the most valuable of all subjects, the peace of this empire.

130. Secondly, it is an experiment which must be fatal in the end to our Constitution. For what is it but a scheme for taxing the colonies in the ante-chamber of the noble lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle, on the plan laid down by the noble lord, the true proportional payment for four or five and twenty governments according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further; for on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the Committee of Provincial Ways and Means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

131. Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode

to themselves. I really beg pardon — it gives me pain to mention it — but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties, which furnished their contingent, upon the importation of your manufactures, you know you would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation; so that, when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the mode, nor indeed anything. The whole is delusion from one end to the other.

132. Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion, consider, I implore you, that the communication by special messages and orders between these agents and their constituents, on each variation of the case, when the parties come to contend together and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

133. If all the colonies do not appear at the outcry, what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will

you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue to lead you out of it? I think, Sir, it is impossible that you should not recollect that the colony bounds are so implicated in one another, — you know it by your other experiments in the bill for prohibiting the New England fishery, — that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty; and burthen those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

134. Let it also be considered that, either in the present confusion you settle a permanent contingent, which will and must be trifling, and then you have no

effectual revenue; or you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

135. Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury Extent against the failing colony. You must make new Boston Port Bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue and the worst army in the world.

136. Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction seems himself to be of that opinion. His project was rather designed for breaking the union of the colonies than for establishing a revenue. He confessed he apprehended that his proposal would not be to *their taste*. I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

137. Compare the two. This I offer to give you is plain and simple; the other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people — gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

138. But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does; for it secures to the subject the power of REFUSAL, the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 11s. 2 $\frac{3}{4}$ d., nor any other

paltry limited sum ; but it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca*. Cannot you, in England, cannot you, at this time of day, cannot you, an House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume that, in any country, a body duly constituted for any function will neglect to perform its duty and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply from a free assembly has no foundation in nature; for first, observe that, besides the desire which all men have naturally of supporting the honor of their own government, that sense of dignity and that security to property which ever attends freedom has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic machinery in the world?

139. Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties — their contradictions, their reciprocal necessities, their hopes, and their fears — must send them all in their turns to him that holds the balance

of the State. The parties are the gamesters ; but Government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that the government will not be supplied ; whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious.

“Ease would retract
Vows made in pain, as violent and void.”

140. I, for one, protest against compounding our demands. I declare against compounding, for a poor limited sum, the immense, ever-growing, eternal debt which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom or in the way of compulsory compact.

141. But to clear up my ideas on this subject : a revenue from America transmitted hither — do not delude yourselves — you never can receive it ; no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America ? For certainly, if ever there was a country qualified to produce wealth, it is India ; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties here, and gives you, at the

same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments she may, I doubt not she will, contribute in moderation. I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

i42. For that service — for all service, whether of revenue, trade, or empire — my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonists always keep the idea of their civil rights associated with your government, — they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing, and their privileges another, that these two things may exist without any mutual relation, the cement is gone — the cohesion is loosened — and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can

have anywhere. It is a weed that grows in every soil. They may have it from Spain; they may have it from Prussia. But, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price of which you have the monopoly. This is the true Act of Navigation which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

143. Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the

deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble, and your navy nothing but rotten timber.

144. All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us; a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our station, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of providence has called us. By adverting to the dignity of this high calling our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests — not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

145. In full confidence of this unalterable truth, I

now (*quod felix faustumque sit*) lay the first stone of the Temple of Peace; and I move you —

That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament.

NOTES

In all references to the "Biographical Sketch" and the "Historical Sketch" the single word "Introduction" is used.

PAR.

- 1 **Sir**: Although actually speaking to the House, Burke, following the customary form, addresses the Speaker. The Speaker at this time was Sir Fletcher Norton.
- 1 **the austerity of the chair**: the strict impartiality of the Speaker.
- 1 **event**: outcome.
- 1 **the grand penal bill**: See *Introduction*, p. 32. On March 21, the bill was passed by the House of Lords, but with an amendment which extended its application to New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina. Since the Commons already had under consideration a proposal to restrict the trade of the southern colonies, they rejected the amendment offered by the Lords, and passed Lord North's bill without it.
- 1 **the first day of the session**: November 29, 1774.
- 2 **When I first had the honor of a seat**: See *Introduction*, p. 18.
- 2 **My little share**: Burke spoke again on the American question in February. His speech made a strong impression.
- 2 **I was obliged to take more than common pains**: Partly owing to his connection with the *Annual Register* and his position as colonial agent for New York, Burke probably had more information on American affairs than any other Englishman.
- 2 **blown about by every wind**: Compare Eph., iv, 14: "That we henceforth be no more children, tossed to and fro, and carried about with every wind of doctrine."
- 3 **in perfect concurrence with a large majority**: The Stamp Act was repealed by the Commons on March 11, 1766, by a vote of 275 to 167. See *Introduction*, p. 21.
4. **Parliament . . . made more frequent changes**: For an account of these changes see *Introduction*, p. 16 to 26. For a further expression of Burke's views on the inconsistency of Parliament's measures, compare his *Speech on American Taxation*: "How have we fared since then [1769]—what woeful variety of schemes have been adopted; what enforcing, and what repealing; what bullying and what submitting; what doing, and undoing."
- 4 **kept in continual agitation**: See *Introduction*.
- 4 **has been brought into her present situation**: See *Introduction*, p. 29.

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- 5 **a worthy member**: Mr. Rose Fuller, member of Parliament for Rye. It was on Mr. Fuller's motion, April 19, 1774, to repeal the tax on tea, that Burke made his famous *Speech on American Taxation*.
- 5 **filled the chair of the American Committee**: acted as chairman of the whole House sitting as a committee on American affairs.
- 5 **our former methods**: the political plans of the Opposition, or minority, in the House, one of whose practices is to criticize and oppose the measures of Government, or the majority, by whom alone important bills should be proposed.
- 5 **long and unsuccessful opposition**: For Burke's connection with the Rockingham Whigs while they were out of power, see *Introduction*, p. 6. Of this connection Mr. John Morley says: "It was Burke who did more than any one else to give the Opposition, under the first half of the reign of George III, a stamp of elevation and grandeur."
- 5 **a platform**: a definite, constructive plan.
- 6 **except from a seat of authority**: See note on "**our former methods**," par. 5.
- 7 **paper government**: a scheme of government drawn up on paper without reference to the character and needs of the people to whom it is designed to apply. Such a scheme was John Locke's *Fundamental Constitutions*, in the seventeenth century, for the government of the Carolinas.
- 8 **natural or adventitious**: arising from personal ability or station in the political world.
- 9 **the labyrinth of intricate and endless negotiations**: See note on "**the project**," par. 10. The negotiations would be rendered necessary in order to determine each colony's proportion of the expenses for common defense.
- 9 **the former unsuspecting confidence**: Compare the memorial to the British colonies issued by the Continental Congress on October 21, 1774: "The inhabitants of these colonies, confiding in the justice of Great Britain, were scarcely allowed sufficient time to receive and consider this Act" [the Sugar Act]; and again: "After the repeal of the Stamp Act, having again resigned ourselves to our ancient unsuspecting affections for the parent state," etc.
- 10 **Refined policy**: a policy too subtle or theoretical to be of practical value. The idea expressed in this sentence is characteristic of Burke's political philosophy. Compare, for example, the *Letter to the Sheriffs of Bristol*: "I was persuaded that government was a practical thing, made

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for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians."

10 **My plan, therefore, being formed upon the most simple grounds imaginable, etc.:** The simplicity and conservatism of Burke's plan should be carefully noted. It was simple, because it consented without qualification to the demand of the colonies that with regard to all matters of defense and local government they should be allowed to tax themselves through their own assemblies. It was conservative, because, instead of offering any new solution of the difficulty, it aimed merely to give formal recognition and authorization to a practice which had been in operation for years.

10 **the project:** In this phrase Burke stigmatizes Lord North's conciliatory measure, which was proposed to the House of Commons on February 20, 1775, and passed on February 27. The provisions of this plan were in substance as follows: That when any colony should propose to make provision, according to its circumstances, for contributing its proportion to the common defense (such proportion to be raised under the authority of the general assembly of the colony, and disposable by Parliament) and should engage to make provision for the support of the civil government and for the administration of justice, it would be proper, if such proposal should be approved by His Majesty and the two houses of Parliament, to forbear, in respect to such colony, to levy any duty, tax, or assessment, except such as should be necessary for the actual regulation of trade.

The provisions of this plan should be carefully examined. It was apparently conciliatory in that it waived the right of Parliament to impose taxes for local government and defense. But the restrictions which accompanied this concession, namely, that each colony should pay *its proportion* for the common defense, that Parliament and the King should determine the sufficiency of this proportion, and that the sums raised should be disposable by Parliament, rendered the measure unacceptable to the colonists, and gave Burke grounds for his attack upon it.

After the plan received the royal consent, it was presented to the Continental Congress on May 26, 1775. On July 31, a committee, consisting of Franklin, Jefferson, John Adams, and Richard Henry Lee, which had been appointed to consider it, reported unfavorably, and their report was accepted. The report declared, among other causes for rejecting the proposition, "That the colonies

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of America are entitled to the sole and exclusive right of giving and granting their own money; that this involves the right of deliberating whether they will make any gift, for what purposes it shall be made, and what shall be its amount."

- 10 **the noble lord in the blue ribbon:** Frederick North, Prime Minister from 1770 to 1782, and, after 1790, Earl of Guilford. A lord could not sit in the House of Commons. North was called a lord only by courtesy during the lifetime of his father, the first Earl of Guilford. — The blue ribbon, worn over the left shoulder, is part of the insignia of the Order of the Garter, the highest order of knighthood in Great Britain.
- 10 **colony agents:** The colonies employed agents in Great Britain to look after their interests with Parliament. Franklin was for a time agent for Pennsylvania, and Burke for New York.
- 10 **the interposition of your mace:** The mace represents, among other things, the authority of the Speaker to keep order; this authority is exercised by the sergeant-at-arms at the command of the Speaker.
- 10 **magnificent auction of finance:** Lord North's plan resembles an auction because it provides that each colony shall bid its proportion for the common defense, and the king and Parliament, who determine whether the bid is sufficiently high, act as auctioneers.
- 11 **The idea of conciliation is admissible:** It is advisable, in order to understand more clearly the development of Burke's argument from this point, to note carefully the difference in meaning between "conciliation" and "concession." The first means winning over from hostility; the second, yielding, or giving up. The words are not synonymous, and Burke does not so regard them. Lord North's "project" was admittedly conciliatory in its aim, but it did not, and Burke perceived that it did not, offer any real concession; that is, it did not yield anything substantial to the colonial demands. He does, however, take skillful advantage of the fact that Parliament has accepted it, by maintaining that the desirability of conciliation as an end to be gained does not have to be established by proof. He and Lord North, therefore, have a common purpose; they differ as to the means by which it is to be accomplished.
- 11 **our address:** On February 2, 1775, Lord North proposed in the House an address of both houses to the King, in which it was declared that a rebellion existed in Massachusetts, that Parliament could not relinquish any part

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of their sovereign authority over His Majesty's dominions, and that it was their fixed resolution, at hazard of their lives and properties, to stand by His Majesty against all rebellious subjects. It was presented to the King on February 9.

- 11 **our heavy bills of pains and penalties**: such as most of the "Intolerable Acts" and the "grand penal bill." See *Introduction*, p. 28.
- 14 **the true nature and the peculiar circumstances**: Note how the phrases apply to what Burke says about America in the next few pages.
- 16 **minima**: Burke has in mind the legal maxim, "*De minimis non curat lex*": "The law takes no account of trifles."
- 17 **a distinguished person at your bar**: Richard Glover, an English poet, the success of whose *Leonidas* (1737), a poem supposed to have reference to contemporary politics, caused him to take great interest in the political questions of his time. He entered Parliament in 1761.
The bar is placed across the aisle at the end of the House opposite the Speaker's chair. Persons who are not members, but who wish to present matters to the House, are obliged to stand outside the bar when doing so.
- 19 **Davenant**: Charles Davenant (1656-1714), an English economist and member of Parliament. He held, among other offices, that of inspector-general of imports and exports. In his writings he recommended restrictions on colonial commerce.
- 20 **terminating almost wholly in the colonies**: African slaves, purchased with English money or English commodities, were sold in America.
- 23 **It has increased no less than twelve-fold**: According to Burke's own figures, the increase is a little more than ten-fold. He is apparently making the most of round numbers to gain an effect.
- 23 **Export to the colonies . . . £6,024,000**: In the preceding table this total appears as £6,022,132.
- 25 The whole tone of this paragraph is in sharp contrast with the expository passages which precede and follow it. It presents many of the characteristics of the old-style oratory, which are little seen elsewhere in this speech — poetic words and phrases, rhythmical sentences, literary, classical, and Biblical allusions and reminiscences.
- 25 **It is good for us to be here**: Compare, in the story of the Transfiguration (Matt., xvii, 4): "Then answered Peter, and said unto Jesus, Lord, it is good for us to be here."

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- 25 **Clouds, indeed, and darkness:** Compare Addison's *Cato*, v, 1, lines 13 and 14:—

“The wide, the unbounded prospect lies before me:
But shadows, clouds, and darkness rest upon it.”

- 25 **my Lord Bathurst:** Allen, first Lord Bathurst (1684–1775), was a well-known figure, having been a member of Parliament and the associate of some of the wits and scholars of the time.

- 25 **acta parentum:** a modification of lines 26 and 27 in Virgil's Fourth Eclogue:—

“*At simul heroum laudes, et facta parentis,
Jam legere, et quae sit poteris cognoscere virtus.*”

(“But as soon as thou shalt be able to read of the praises of heroes, and the achievements of thy sire, and to understand what virtue is.”)

- 25 **in the fourth generation:** George III was the grandson of George II. His father, Frederick Louis, Prince of Wales, died in 1751, before coming to the throne.

- 25 **was to be made Great Britain:** In 1707 the crowns and parliaments of England and Scotland were permanently united.

- 25 **his son:** Henry Bathurst, who was made Lord Chancellor in 1771, and in the same year was raised to the peerage as Baron Apsley. The year following, his father became Earl Bathurst.

- 25 **genius:** guardian spirit, or angel.

- 25 **before you taste of death:** Compare Luke, ix, 27: “There be some standing here, which shall not taste of death, till they see the kingdom of God.”

- 28 **deceive:** a Latinism, from *fallere*, meaning “cause to be unnoticed.” Compare the use of “beguile” in a similar sense.

- 28 **how many materials:** raw materials for manufacture or articles for European trade: tobacco and hemp, for example.

- 29 **comprehending:** including.

- 29 **corn:** grain; in England, wheat.

- 29 **with a Roman charity:** an allusion to the story of Cymon, who, condemned to starve in prison, was fed by his daughter Xanthippe with milk from her own breast.

- 30 Though the oratorical character of this paragraph is not so strongly marked as that of paragraph 25, it is worth noting.

- 30 **frozen Serpent:** Hydrus, or the Water Serpent, a constellation of the far southern latitudes. “Frozen” is, of course, Burke's oratorical addition.

- 30 **Falkland Island:** The Falkland Islands are situated in

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the South Atlantic Ocean, off the coast of South America. In 1770, when the Spanish drove the British from Fort Egmont, England made immediate preparations for war. There were violent debates on the question in both Houses, during which the minority accused the ministers of cowardice and lack of vigor in pressing England's claims. Finally the Spanish government yielded.

30 **run the longitude**: run north and south, along the direction of the lines of longitude.

30 **vexed**: a Latinism from *vexare*, "to agitate." Compare Tennyson's *Ulysses*, lines 9-11:—

"on shore, and when
Thro' scudding drifts the rainy Hyades
Vext the dim sea."

30 **wise and salutary neglect**: See *Introduction*, p. 10. Compare Colonel Barré in a reply to Grenville in the House of Commons: "They [the colonies] nourished by your indulgence! They grew by your neglect of them."

31 **complexions**: characters or temperaments.

38 **when this part of your character was most predominant**: During the reigns of James I (1603-25) and of Charles I (1625-49), James became involved in a bitter quarrel with Parliament by increasing the customs duties without its consent. The attempts of Charles to raise revenue by means of forced loans and ship money were among the causes which led to the great civil war of 1642 and to the execution of the king in 1649.

28 **some sensible object**: some concrete object or definite interest.

38 **the great contests for freedom**: for example, in 1297, in the reign of Edward I, and in 1628, in the reign of Charles I.

38 **the ablest pens**: Pym, Hampden, Selden, and St. John.

38 **blind usages**: established practices, the origin of which is lost in antiquity.

38 **mediately or immediately**: indirectly, through chosen representatives, or directly, in their own persons.

39 **merely popular**: wholly in charge of the people, as in Connecticut and Rhode Island, where even the governors, instead of being appointed by the Crown, were elected by the people.

40 **the dissidence of dissent**: the extreme of dissent. Compare, for a similar superlative sense, the Hebrew phrase, "Holy of Holies."

40 **a variety of denominations**: for example, Presbyterians, Congregationalists, Quakers, Methodists, Baptists, etc.

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- 40 dissenters from the establishments of their several countries: such as French Huguenots and Irish Presbyterians.
- 41 as broad and general as the air: *Macbeth*, III, iv, 23.
- 41 Gothic: in the now obsolete sense of Teutonic or Germanic.
- 41 such in our days were the Poles: Compare *Annual Register* for 1763, p. 3, in a description of the Polish aristocracy: "Each noble Pole seems rather an independent sovereign than a citizen. . . . He is master of life and death on his own estate, all his tenants being, in the strictest sense, his slaves." In his speech Burke uses the past tense "were" because in 1772, when Poland was partly divided among Russia, Austria, and Prussia, the existing condition was destroyed.
- 42 the deputies sent to the Congress: the Continental Congress which met on September 5, 1774. See *Introduction*, p. 29.
- 42 Blackstone's Commentaries: Sir William Blackstone (1723-80) was an eminent English jurist, whose chief work was *Commentaries on the Laws of England*.
- 42 General Gage: See *Introduction*, p. 29.
- 42 successful chicane: In August, 1774, when the people of Boston held a town meeting, General Gage reminded the selectmen of the act of Parliament which made the holding of a town meeting dependent upon the governor's permission. The selectmen replied that they were merely holding an adjourned meeting and referred the governor to the lawyers of the Crown. "By which means," replied Gage, "you may keep your meeting alive these ten years."
- 42 my honorable and learned friend: Edward Thurlow, Attorney-General, a Tory leader and bitter enemy of the colonists.
- 42 Abeunt studia in mores: Ovid, *Heroides*, xv, 88: "Studies are transmuted into character."
- 42 mercurial: sensitive to influences.
- 43 who carry your bolts in their pounces: who carry your thunderbolts in their talons.
- 43 So far shalt thou go, and no farther: possibly a reminiscence of Job, xxxviii, 11: "Hitherto shalt thou come, but no further."
- 43 Spain, in her provinces: At this time Spain possessed Peru, the greater part of South America, Central America, the country west and northwest of the Gulf of Mexico, and the greater part of the West Indies.
- 45 with all its imperfections on its head: Compare

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Hamlet, I, v, 79: "with all my imperfections on my head."

- 45 **Until very lately**: a reference to the assertion in the Declaration of Rights (1774) that the colonies were "entitled to a free and exclusive power of legislation in their several provincial legislatures." See *Introduction*, p. 30.
- 45 **Even the popular part . . . from the pleasure of the crown**: because the royal charters authorized popular assemblies.
- 45 **resolved that none but an obedient Assembly should sit**: In May, 1774, the Virginia assembly voted that June 1, when the Boston Port Bill was to go into effect, should be set aside for prayer that war might be averted and that the Americans might become united in a common cause. When Governor Dunmore dissolved the assembly because of this order, they met again in a tavern, issued a call for a general congress of the colonies, and voted that a convention, chosen by the voters, should assemble later in the same place.
- 45 **Committee**: local intercolonial committee of correspondence. In 1774 Dunmore reported to the English government that there was not a justice of the peace in Virginia that acted except as a committeeman.
- 46 **abrogated the ancient government of Massachusetts**: See *Introduction*, p. 29.
- 47 **Another has indeed been started**: For example, Josiah Tucker, Dean of Gloucester, had proposed, as one of five ways of dealing with America, "to separate entirely from the colonies, declaring them to be a free and independent People, over whom we lay no claim."
- 50 **English Tartars**: In the Middle Ages, the Tartars, or Tatars, together with the Mongols and the Turks, swept over Asia under the leadership of Genghis Khan.
- 50 **Increase and multiply**: Gen., I, 28: "Be fruitful, and multiply, and replenish the earth."
- 52 **for no purpose but to be serviceable to us**: See *Introduction*, p. 11. In reference to Parliament's commercial attitude toward the colonies, Burke says, in the *Speech on American Taxation*: "The principle of commercial monopoly runs through no less than twenty-nine acts of Parliament from the year 1660 to the important period of 1764."
- 52 **Spoliatis arma supersunt**: Juvenal, *Satires*, VIII, 124: "The conquered still have recourse to arms."
- 53 **your speech would betray you**: Compare Matt., xxvi, 73: "Surely thou also art one of them [the disciples]; for thy speech bewrayeth thee."

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- 54 **burn their books of curious science:** Compare Acts, XIX, 19: "Many of them also which used curious arts brought their books together, and burned them before all men."
- 54 **chargeable:** expensive.
- 55 **its advocates and panegyrists:** Dr. Johnson, for example, in his *Taxation No Tyranny*.
- 56 **that nation, one of whose causes of quarrel, etc.:** In 1761 it was proposed in the Virginia assembly to suppress the importation of slaves by laying a prohibitory duty upon them. This proposal was sent back from England with a veto. In 1770 the King in Council issued an instruction ordering the governor of Virginia not to assent to any law by which the importation of slaves should be prohibited or restricted. In the Association of 1774, it was resolved that "we will wholly discontinue the slave trade."
- 56 **Angola negroes:** from a native kingdom on the west coast of Africa.
- 56 **Guinea captain:** an English Captain of a slave-ship loaded with negroes from Guinea on the west coast of Africa.
- 57 **Ye gods, etc.:** Quoted in Chapter XI of Martinus Scriblerus, *On the Art of Sinking in Poetry*.
- 58 **prosecute . . . as criminal:** According to this method, individual offenders would be arrested on the charge of treason and subjected to trial. In 1768 Lord Hillsborough sent over to America to inquire "if any person had committed any acts which, under the statutes of Henry VIII against treason committed abroad, might justify their being brought to England for trial."
- 59 **Sir Edward Coke:** a noted jurist of the time of James I. During the trial of Sir Walter Raleigh, which he conducted in 1604, he showed great brutality.
- 60 **nice:** carefully drawn.
- 60 **ex vi termini:** from the meaning of the term.
- 61 **civil litigant, etc.:** In law, civil proceedings involve the rights of individuals, such as those of property, etc.: criminal proceedings involve the rights of the community at large. The colonists' "point of right" is their contention that they ought not to be taxed without representation. Their alleged criminal offense would have been treason.
- 62 **have seemed to adopt that mode, etc.:** Burke is referring to Parliament's two addresses to the king, the former in 1768, the latter in 1775. During the debate in the Commons on the Boston Port Bill, Thomas Pownall, formerly governor of Massachusetts, expressed the wish

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- to have Adams and "other principal incendiaries" brought to London to be tried and punished as traitors.
- 62 **modes of public coercion have been adopted:** General Gage, with four regiments of soldiers and a fleet of warships, had occupied Boston, and had fortified the neck of land leading from the country to the town.
- 63 **penal laws:** See *Introduction*, p. 28.
- 66 **a power excepted:** When the debate on the Declaratory Act was in progress, Pitt advocated the passage of an act declaring the sovereign right of Parliament in regard to everything except direct taxation. For a similar proposal in his plan for reconciliation, see *Introduction*, p. 31.
- 66 **great names militate:** for example, Pitt on one side and Lord Mansfield on the other.
- 66 **Serbonian bog, etc.:** Milton's *Paradise Lost*, Book II, lines 592-94.
- 69 **the repeal of a revenue Act, etc.:** Burke is apparently referring to the Townshend Act, the provisions of which, except the tax on tea, were repealed in 1770.
- 70 **American financiers:** men with financial theories concerning America; specifically with reference to raising revenue.
- 70 **a gentleman of real moderation:** Mr. George Rice, member of Parliament for the Welsh county of Carmarthen. On February 24, 1775, during the debate on the bill for restraining the trade and commerce of the New England colonies, Mr. Rice expressed himself as believing that the Americans intended to throw off commercial restrictions as well as taxes. (*Parl. Hist.*, vol. XVIII, p. 388.)
- 71 **futile and useless:** The *Parliamentary History* does not record this speech of Lord North's.
- 71 **Acts of Navigation:** See *Introduction*, p. 11.
- 73 **the pamphlet:** See note on Josiah Tucker, par. 47.
- 75 **But the colonies will go further:** Burke seems reluctant to acknowledge that the colonies have already denied the jurisdiction of Parliament. See *Introduction*, p. 30.
- 78 **the kings of Spain of the Austrian family:** The grandson of Maximilian, of Austria, became Charles I of Spain by inheritance in 1516. In 1519 he became Emperor Charles V of the Holy Roman Empire. The Austrian family continued as rulers of Spain until 1700.
- 78 **Philip the Second:** King of Spain from 1556 to 1598. He was the son of Charles V.
- 78 **English Constitution:** The English Constitution is not embodied in a single document like that of the United States, but consists of great documents like Magna Charta, legal decisions, acts of Parliament, and tradi-

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tional practices. Burke is consulting chiefly acts of Parliament.

- 78 **Ireland, Wales, Chester, and Durham:** Burke is consulting the precedents furnished by the cases of these four dependencies in order to determine just what concession to make to the Americans. Since he wishes that concession to meet their demand, and their demand involves the principle of representation, it should be carefully noted how this question is covered by each of the precedents.
- 79 **Ireland:** Burke's discussion of the case of Ireland gives an impression that is misleading. The state of rebellion in Ireland, which lasted for centuries, was not confined to the region which was deprived of English rights and liberties, but existed within the Pale as well. It was not due entirely to a lack of general representation, nor did it cease when general representation was given.
- 79 **before the English conquest:** Though Ireland was not actually conquered in 1171, Henry II, after the expedition of Richard de Clare, called Strongbow, received at that time the allegiance of most of the Irish chiefs.
- 79 **a form of Parliament . . . instantly communicated to Ireland:** Before 1295 the Irish Parliament consisted in the informal meetings of eminent persons. The most ancient Irish Parliament remaining on record was held in 1374; in it were represented the counties of Dublin, Louth, Kildare, and Carlow.
- 79 **The feudal baronage . . . early transplanted into that soil:** Immediately after the conquest of England in 1066, Norman knights and barons gained a foothold in Ireland. In 1177, and in the years immediately following, English and Norman adventurers built castles there, from which they controlled the Celtic tribes around them.
- 79 **Magna Charta:** The great charter of liberties granted by King John at Runnymede in 1215 at a meeting between him and his barons. In correction of Burke's statement concerning the origin of the House of Commons see W. S. McKechnie: "Edmund Burke credits Magna Carta with creating the House of Commons! . . . chapter 14 of the Great Charter (the only one bearing on the subject) is in reality of a reactionary nature, confining the right of attendance as the *commune concilium* [common council] to the freeholders of the Crown and departing from the precedent of two years earlier, which introduced representatives of each county." (*Magna Carta*, pp. 156-57, note.)

The time when the House of Commons originated is doubtful. According to Taswell-Langmead (*English Con*

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stitutional History, p. 197), Simon de Montfort may be regarded as the founder of the House of Commons. In December, 1264, "De Montfort, in the name of the captive king [Henry III] summoned his famous Parliament to meet in London on the 20th of the following January. Writs were issued to all the sheriffs directing them to return not only two knights from each shire, but two citizens from each city, and two burgesses from each borough."

- 79 **Ireland was made immediately a partaker:** In 1216, Henry III's first charter, which, with some changes, revived Magna Charta, was transmitted to Ireland. From that charter, however, all clauses which restricted the king's power to raise revenue were omitted. Burke's point is therefore rather weak.
- 79 **was not at first extended to all Ireland:** that is, to the region outside of what was known as the Pale, to which the royal power and English institutions were confined. The Pale included Dublin, Louth, Kildare, and part of Meath; it continued to exist until the complete subjugation of Ireland under Queen Elizabeth.
- 79 **Sir John Davis:** Solicitor-General of Ireland in the reign of James I. He wrote a book entitled *Discovery of the State of Ireland*.
- 79 **a military government, attempted in the reign of Queen Elizabeth:** When the Irish tribal chiefs resisted the Queen's officials, they were declared traitors, and their lands were confiscated. In the war which followed, whole counties were laid waste and depopulated.
- 79 **From that time Ireland has ever had a general Parliament:** In 1613, James I, by creating a large number of new boroughs, increased the membership of the Irish House of Commons from 122 to 232. He did this, however, for the purpose of securing a majority which would carry out his own plans.
- 79 **You changed the people:** in the reign of Queen Elizabeth, when sections of Ireland confiscated from the native tribes were settled by English, and in the reign of James I, when the dominions of the rebel Tyrone in Ulster were confiscated and settled by English and Protestants.
- 79 **You deposed kings:** Charles I in 1649 and James II in 1689.
- 79 **you restored them:** Charles II in 1660.
- 79 **you altered the succession:** when George I of the German House of Hanover was made King of Great Britain and Ireland.

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- 79 **respected by usurpation:** Under Cromwell, who was declared Lord Protector of England in 1653, the principle of representation was respected, for a legislative union between England and Ireland was established, Irish members sitting in the English Parliament.
- 79 **restored with the restoration of monarchy:** In the reign of Charles II, Ireland was again given a separate Parliament.
- 79 **established, I trust, forever by the glorious Revolution:** because the Revolution of 1689 established the sovereignty of Parliament.
- 80 **My next example is Wales:** For details of England's relation to Wales, see Green's *A Short History of the English People*, Chapter IV.
- 80 **Henry the Third:** King of England from 1216 to 1272.
- 80 **Edward the First:** son of Henry the Third. He made a final conquest of Wales and reorganized the government of the country on the English plan.
- 80 **Lords Marchers:** Anglo-Norman nobles, who, by conquest or intermarriage with the native Celts, gained control over the marches, or border districts of South Wales.
- 81 **instruction:** an order, such as might be issued by the King in Council.
- 33 **in the twenty-seventh year of Henry the Eighth:** In 1536 representation was given to the Welsh counties and shire towns. In 1544 the privilege of voting for the representative of the shire town was extended to other towns of the county. See Porritt's *The Unreformed House of Commons*, vol. i, p. 104.
- 83 **day-star:** Compare 2 Pet., i, 19: "and the day-star arises in your hearts."
- 83 **simul alba:** Horace, *Odes*, Book I, 12, ll. 27-32: —
 "Soon as those silver stars have shone
 On sailors lone,
 See, trickling from the crags, the spray:
 The winds are hushed, clouds melt away,
 And, such their will, the billow's crest
 Sinks down to rest."
 (Gladstone's translation.)
- 84 **County Palatine of Chester:** A county palatine was a county over which its ruler possessed the same powers in administering justice that the King had in his palace. The Earl of Chester, which was made a county palatine in the reign of William the Conqueror, "held by his sword as freely as the king held England by his crown." For many years Chester had its independent parliament, com-

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posed of barons and members of the clergy. According to Lord Camden (*Parl. Hist.* vol. xvi, p. 169) the method of taxing the counties palatine was for the Crown to require them by writ to tax themselves, but afterward the English Parliament "took to itself the power of taxation." In 1542, two knights of the shire, and two burgesses from the city of Chester, were allowed to sit in the English Parliament.

84 **Richard II**: King of England from 1377 to 1399.

85 **Knights and Burgesses**: Knights, i.e., knights of the shire, represent counties; burgesses represent boroughs.

85 **disherisons**: processes of disinheritance.

85 **ne**: Anglo-Saxon and Middle-English particle meaning *no* or *nor*.

87 **Durham**: a palatinate after 1075. In Durham the regal rights were exercised by bishops, and there was a palatine assembly. In 1646 the palatinate was abolished, but revived again after the Restoration of 1660. The county was first summoned to return members to Parliament in 1654; after the Restoration both county and city returned two members each.

The cases of Chester and Durham, which are in general so closely parallel, should be carefully compared in one important particular: Chester objected to other forms of legislation than the imposition of taxes, Durham to taxes only. Burke makes use of this difference later in his speech. (See paragraph 124 of text.)

88 **Judge Barrington**: Daines Barrington, who in 1757 was appointed justice for the Welsh counties of Merioneth, Carnarvon, and Anglesey.

89 **Opposuit natura**: Juvenal, *Satires*, x, 152, "*Opposuit Natura Alpemque nivemque*": "Nature has opposed the snow-covered Alps," i.e., to Hannibal on his march.

90 **And the rude swain**: Milton's *Comus*, lines 634-35:—

"And the dull swain
Treads on it daily with his clouted shoon."

90 **until the year 1763**: In 1764 Grenville began to carry out his plans for raising a revenue in America. See *Introduction*, p. 16.

91 **My Resolutions therefore mean to establish**: It should be carefully noted that Burke's first six resolutions take the form of records of fact. Their intent, particularly that of the last three, is to recognize formally and authorize definitely a plan that had been in operation in America for years.

91 **by grant**: by vote of the colonial assemblies; **by imposition**: by vote of the central Parliament.

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- 92 **six massive pillars**: an allusion to the famous Temple of Concord at Girgenti, Sicily, which had massive columns twenty-one feet high.
- 97 **Non meus hic sermo**: Horace, *Satires*, II, 2-3: "This language is not mine, but what Ofellus taught, a rustic, but more than common wise."
- 97 **touch with a tool**: Ex., XX, 25: "And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone: for if thou lift up thy tool upon it, thou hast polluted it."
- 97 **wise beyond what was written**: 1 Cor., IV, 6: "that ye might learn in us not to think of men above that which is written."
- 98 **duties of the sixth of George the Second**: by the Molasses Act of 1733, passed in the sixth year of George II's reign. See *Introduction*, p. 13.
- 98 **reduced to one third in 1764**: by the Sugar Act passed in that year. Burke is in error, for the duty on molasses was reduced one half, from sixpence to threepence. See *Introduction*, p. 16.
- 98 **to a third of that third in the year 1766**: by a modification of the Sugar Act, which reduced the duty on molasses from threepence to a penny a gallon. See *Introduction*, p. 21.
- 98 **the duties of 1767**: imposed by the Townshend Acts. See *Introduction*, p. 22.
- 98 **Lord Hillsborough**: Secretary of State for the Colonies, appointed in 1768. He was strongly opposed to the American cause.
- 102 **Acts of Supply**: the acts by which a legislature votes money for the public service.
- 102 **if the crown could be responsible**: an allusion to the fact that the King's ministers, and not the King himself, are responsible for all government measures.
- 104 **the year 1710**: when the colonists raised troops which aided the British fleet in taking Port Royal.
- 105 **Cape Breton**: at the entrance of the Gulf of St. Lawrence. The French fort at Louisburg, situated on the island, was taken by the New England troops in an expedition fitted out by them in 1745.
- 107 **have exerted themselves**: in connection with Braddock's campaign in 1755.
- 109 **the colonies were then in debt**: for money raised by them for the common defense.
- 109 **requisition**: See *Introduction*, p. 21.
- 114 **an Act made in the seventh year**: This is the remnant of the Townshend Revenue Act of 1767; the tax on tea

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was the only provision not repealed in 1770. See *Introduction*, p. 25.

114 **drawback**: rebate.

114 **clandestine running**: smuggling.

114 **An Act to discontinue, etc.**: the Boston Port Bill. See *Introduction*, p. 29.

114 **An Act for the impartial administration of justice**: relating to officers and magistrates charged with murder. See *Introduction*, p. 29.

114 **An Act for the better regulating, etc.**: the Massachusetts Regulating Act. See *Introduction*, p. 29.

114 **an Act made in the thirty-fifth year of Henry VIII**: See *Introduction*, p. 24. Of the effect of the application of this act to the case of an alleged offender, Burke says in his *Letter to the Sheriffs of Bristol*: "A person is brought hither [to England] in the dungeon of a ship's hold: thence he is committed into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no local circumstance that tends to detect perjury can possibly be judged of;—such a person may be executed according to form, but he can never be tried according to justice."

115 **Other towns, full as guilty**: See *Introduction*, p. 28.

115 **the Restraining Bill**: the "grand penal bill." See *Introduction*, p. 32.

116 **the crown has far less power**: In Connecticut and Rhode Island the governors were elected by the people.

116 **to change the sheriff**: See *Introduction*, p. 29.

118 **where the jurisdiction of the crown does not extend**: in parts of the empire where there were no civil courts.

119 **a settled salary**: See *Introduction*, pp. 23 and 24.

120 **Courts of Admiralty**: See *Introduction*, p. 13.

121 **courts incommodiously situated**: that is, too far away, because of the small number of them, to be, in many cases, easily accessible. In 1696, two admiralty courts were established in America, one having jurisdiction over the district comprising New England, New York, and (after 1702) New Jersey, the other over Pennsylvania and the colonies south of it. As late as 1767 there was only one court of vice-admiralty, situated at Halifax. In 1768 an attempt was made, initiated by the Commissioners of His Majesty's Treasury, to establish four courts of vice-admiralty, at Halifax, Boston, Philadelphia, and Charleston, but the plan was not carried through. At the same time the commissioners recommended that the

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judges be paid a salary and that they be expressly enjoined, upon pain of losing their offices, not to take any fee for any judgment given or business done. This reform had been brought about before Burke presented his resolutions, as is indicated by the following note in the *Parliamentary History*: "The Solicitor-General informed Mr. Burke, when the resolutions were separately moved, that the grievance of the judges partaking in the profits of the seizure had been redressed by the office; accordingly the resolution was amended."

122 **consequential**: following as a matter of logical consequence.

124 **de jure**: as a matter of abstract right; **de facto**: as a matter of actual fact.

125 **I do not know, etc.**: a very carefully qualified assertion, which, by its implication, distorts the truth. For a statement of the colonists' position at this time concerning the rights of Parliament, see *Introduction*, p. 30.

125 **illation**: inference.

125 **immediate jewel**: Compare *Othello*, III, iii, 155-56:—

"Good name, in man and woman, dear my lord,
Is the immediate jewel of their soul."

125 **a great house is apt to make slaves haughty**: compare Juvenal, *Satires*, v, 66: "*Maxima quæque domus est servis plena superbis*": "Every great house is filled with haughty slaves."

125 **cords of man**: Compare Hos., xi, 4: "I drew them with cords of a man, with bands of love."

127 **which was preserved entire**: because these dependencies sent representatives to the Parliament of Great Britain.

127 **a separate, but not an independent, legislature**: By Poynings' Act of 1494, passed at Drogheda, the Irish Parliament was made subordinate to England, by the provision that all laws brought before it must first receive the assent of the King and his Privy Council. The law was repealed in 1782. Burke supported the repeal.

128 **before the Committee**: Lord North's plan for conciliation was considered by the Committee of the Whole, before it was presented to the House for final passage.

129 **ransom by auction**: See note on paragraph 10.

129 **experimentum, etc.**: an allusion to the maxim: "*Fiat experimentum in corpore vili*": "Let the experiment be performed upon a worthless body."

130 **in the antechamber**: by the decision of a committee or of the Cabinet.

130 **four or five and twenty governments**: Burke is thinking

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of the application of Lord North's plan to all of Great Britain's colonies, and not to the thirteen American colonies alone.

- 130 **by the back-door**: that is, not directly through the House of Commons, which alone has the constitutional right to impose taxes.
- 131 **you will leave the mode to themselves**: On February 26, 1775, in the Committee of the Whole House, Lord North remarked that, on the matter of taxation, although Parliament could never give up the rights, yet as to the matter of the right, and with respect to the mode of the contribution, he did not suppose Parliament would hesitate a moment to suspend that right.
- 133 **composition**: agreement or compromise.
- 135 **Treasury Extent**: a writ to recover debts due to the Crown, whereby both lands and goods of the debtor can be seized.
- 136 **He confessed, etc.**: In his reply to Colonel Barré in the debate on his propositions, which took place in the Committee of the Whole, Lord North said: "I agree, Sir, that it is very probable the propositions contained in this resolution may not be acceptable to the Americans in general." But he added: "those who are just, who are wise, and who are serious, will, I believe, think it well worth their attention."
- 138 **Posita luditur arca**: Juvenal, *Satires*, I, 90: "The game is played with cash box for a stake."
- 139 **to him that holds the balance**: the Prime Minister of England. The allusion is to Jove, who held the balances, or scales, in which the destinies of men are weighed.
- 139 **"Ease would retract"**: The exact quotation from *Paradise Lost*, Book IV, 11, 96-97, is: —
 "Ease would recant
 Vows made in pain, as violent and void."
- 140 **may I speed**: may I succeed.
- 141 **to return in loan**: In 1772 the East India Company, which was threatened with bankruptcy, received from the Government a loan of £1,400,000 at four per cent. interest. Until this debt should be canceled, the annual payment of £400,000, which the Company was required to make to the Government, was suspended.
- 141 **taxable objects**: exports from America which bore a tax; for example, the tobacco of Virginia and Maryland.
- 141 **performed her part to the British revenue**: Compare the Resolutions of the Stamp Act Congress, X: "That the profits of the trade of these colonies ultimately center

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in Great Britain, to pay for the manufactures which they are obliged to take from thence, and they eventually contribute very largely to all supplies granted there to the Crown."

141 **enemies**: France and Spain, who held colonial possessions in America.

142 The literary quality of this paragraph — the phrasing, the sentence structure, and the allusions to Shakespeare and the English Bible — is worthy of notice. A few of the passages to which allusions are made are quoted in the notes that follow.

142 **light as air**: *Othello*, III, iii, 322: "Trifles light as air."

142 **grapple to you**: *Hamlet*, I, iii, 63: "Grapple them to thy soul with hooks of steel."

142 **chosen race**: an allusion to the fact that the Hebrews were called God's chosen people: Compare Ps., xxxiii, 12: "Blessed is the nation whose God is the Lord; and the people whom he hath chosen for his own inheritance."

142 **turn their faces towards you**: 1 Kings, viii, 44: "and shall pray unto the Lord toward the city which thou hast chosen, and toward the house that I have built for thy name"; compare also Dan., vi, 10.

142 **of price**: Matt., xiii, 46: "Who, when he had found one pearl of great price, went and sold all that he had, and bought it."

142 **your sufferance, etc.**: A **sufferance** is a permission granted by customs authorities for the shipment of goods; a **cocket** is a document certifying that duties on goods have been paid; a **clearance** is a paper giving permission to a ship to sail.

143 **Land Tax Act**: an act passed annually by Parliament, imposing a tax on land.

143 **Committee of Supply**: a committee of the House which considers expenditures; for example, for the army, the navy, the civil service, etc.

143 **Mutiny Bill**: an act passed, each year in England since 1689, providing for the maintenance of a standing army and for the punishment of mutiny and desertion.

144 **the profane herd**: Compare Horace, *Odes*, III, I, 1: "*Odi profanum vulgus et arceo*": "I hate the profane herd [i.e., the ignorant multitude] and keep them at a distance."

144 **Sursum corda**: "Lift up your hearts": the rendering of Lam., iii, 41, found in the Latin mass.

144 **high calling**: Compare Phil., III, 14: "I press toward the mark for the prize of the high calling of God in Christ Jesus."

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145 **quod felix faustumque sit:** "May it prove to be happy and fortunate."

Availing itself of a technicality in parliamentary procedure, the House refrained from committing itself on the first four and the last of Burke's resolutions. The others were negatived.



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